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Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 9 February 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to our letter dated 13 January 1999 (A/53/798-S/1999/57), I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and of the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 4 and 8 February 1999, respectively.

On 4 February 1999, one C-130 military aircraft of the Turkish Air Force entered the Nicosia FIR from a northerly direction, violating international air traffic regulations and the national airspace of the Republic of Cyprus and landing at the illegal airport of Tymbou at 1617 hours. The same aircraft took off at 1645 hours of the same day in the direction of the Ankara FIR.

On 8 February 1999, one C-160 military aircraft of the Turkish Air Force entered the Nicosia FIR from a northerly direction at 1100 hours, violating international air traffic regulations and the national airspace of the Republic of Cyprus and flew over the Karpasia peninsula, exiting at 1149 hours in a south-easterly direction.

As stated in my previous letters, these Turkish unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention of the provisions of the Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest this new provocative act by Turkey, which is a further reminder of Turkey's blatant disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

I would like to underline, once again, that the present violation occurred following the adoption of Security Council resolutions 1217 (1998) and 1218 (1998), in which the Council called upon all States to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action which might prejudice that sovereignty, independence and territorial integrity. It is yet another example of Turkey's unwillingness to comply with the provisions of those resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) James DROUSHIOTIS
Chargé d'affaires a.i.

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S/1999/138
11 February 1999

ORIGINAL: ENGLISH

LETTER DATED 10 FEBRUARY 1999 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF SIERRA LEONE TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith an address to the nation, dated 7 February 1999, by President Kabbah of Sierra Leone, in which the Government of Sierra Leone has consented to permit Foday Sankoh, leader of the Revolutionary United Front (RUF) rebel organization, to meet face to face with his colleagues of RUF at a suitable venue to be determined (see annex). The purpose of this move is to enable the rebels to consult with each other and thereafter to inform the Government as to how they intend to facilitate the peace process. This is further evidence of my Government's continued effort to encourage dialogue with the rebels, who have always acted mala fide, in order to resolve the senseless rebel war peacefully. The Security Council and the entire international community should now reinvigorate their efforts to assist the Government in bringing the war to an end.

It would be appreciated if this letter and its annex would be circulated as a document of the Security Council.

(Signed) Fode M. DABOR
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex

Address to the nation by President Kabbah of Sierra Leone
on 7 February 1999

It is now one month since the rebels entered our capital city and perpetrated the most heinous barbarity that has become the hallmark of the Revolutionary United Front (RUF) and its allies. Since then, the Economic Community of West African States (ECOWAS) Military Observer Group (ECOMOG), the civil defence and other loyal forces have succeeded in driving them out of the city, even though, unfortunately, at a rather high cost to civilian lives and property. I cannot help but express once again my heartfelt sympathy to all those who lost family members or friends during this dark period in our history. I can now assure you, with absolute confidence, that ECOMOG, civil and other defence forces are in control of the situation.

Let me reassure you that while the security and protection of our citizens have been and continue to be our primary concern, especially during the past few weeks, the Government has never, ever abandoned the search for a peaceful settlement of the conflict. We know that there were those who were so traumatized by the rebel offensive that all they wanted was for us to surrender. There were others who thought that as soon as the invaders entered Freetown, the Government should have negotiated a settlement with them, at any cost. Let me say that if we had given up, at that time, the consequences would have been far worse for us all than what we experienced during those awful days of January 1999.

The rebels and their allies did not enter Freetown to negotiate or to engage in dialogue. They did not invade the city to merely threaten the population. On the contrary, they came with fire, grenades, guns and cutlasses. Their ultimate objective was to shoot their way to power. That is, to kill, maim, rape and amputate as many people as possible, to burn down as many private and public buildings as they possibly could and then to take over the seat of Government. You will agree with me that under those circumstances we made the right decision; first and foremost, to defend ourselves and to avert what could have been the total destruction of Sierra Leone as a civilized nation. At the same time, we also decided to leave the door open for any dialogue for long-term settlement.

Let me reiterate that I have always believed in dialogue with the RUF rebels. I have always been willing to talk. You will remember the strenuous efforts I put into the Abidjan peace talks in 1996, soon after I was elected President. You will also remember that even after the invasion, and at the risk of incurring the wrath of the overwhelming majority of Sierra Leoneans, I met Foday Sankoh, the leader of RUF, face to face. I even shook his hand. He hugged me. He cried and apologized for reneging on the Abidjan Peace Accord. We talked, and he and I agreed to a ceasefire. Well, as you know, other RUF members rejected it outright. We received conflicting signals from the RUF leadership and their allies. But we did not stop there. We then took yet another major step towards a peaceful settlement. Because the RUF leadership kept insisting that they had to talk to Foday Sankoh directly, and because the

foreign Ministers of Côte d'Ivoire and Togo had been mandated by ECOWAS to find out from the rebels exactly what they were fighting for, I allowed Sankoh to be taken to Conakry. There he met with the Foreign Ministers of those two countries and spoke to one of his leading supporters on the phone. Again, there were conflicting signals from RUF. So, all my efforts, made on your behalf, have not yielded the desired results.

At this point, I would like to take this opportunity to remind the rest of the world that RUF has engaged in armed conflict with the people and with every Government of Sierra Leone since 1991.

Having said this, I would like to draw your attention to the fact that there already exists, an international consensus on the terms that the rebels should fulfil for genuine dialogue, leading to lasting peace in our country. These are:

1. The rebels must recognize the legitimacy of my Government;

2. All armed attacks against the people of Sierra Leone must cease;

3. The rebels should present no preconditions for dialogue.

In the light of this consensus, and notwithstanding actions by the rebels to derail all my initiatives for achieving peace, I wish to state that my Government is prepared to continue its efforts for a dialogue - this time, using the Abidjan Peace Accord, which Foday Sankoh and I had signed, as a frame of reference.

I am sure most you are familiar with the contents of the Abidjan Peace Accord. But let me remind you that it makes provision, among other things, for RUF to transform itself into a political party; the reintegration of its members into Sierra Leonean society; the granting of amnesty to all RUF members; the disarmament and demobilization of all combatants; and the integration into the Sierra Leone armed forces of those who satisfy the recruiting criteria. I urge you all to examine these provisions dispassionately and with a long-term view of the nation as a whole. I invite all of you, particularly civil society groups, to begin consultations immediately and to try to build a national consensus on how the Government should conduct the peace process on the basis of the Abidjan Peace Accord.

Meanwhile, fellow citizens, I wish to inform you that, consistent with my continuing efforts to achieve durable peace in this country, I have been holding a series of consultations on this issue and can announce that I have agreed to allow Foday Sankoh to have face to face meeting with other members of RUF, at a suitable venue to be determined. The idea is to give them an opportunity to consult and let us know how they intend to facilitate the peace process. In other words, we want them, in their face to face meeting, to come up with a clear position, bearing in mind the international consensus on peace and the willingness of my Government to use the Abidjan Peace Accord as a frame of reference for a peaceful settlement. I hope that this time RUF will be sincere.

The search for lasting peace in Sierra Leone requires the concerted effort not only of Sierra Leoneans, but of their neighbours in the subregion and all peace-loving people throughout the world. I must therefore express my gratitude to our friends in the international community, particularly Nigeria, Guinea and Ghana, and to all those countries, including the United Kingdom of Great Britain and Northern Ireland which have supported us and have demonstrated their commitment to the pursuit of sustainable peace in Sierra Leone. I urge all well-meaning Sierra Leoneans to join in this quest for a lasting solution to conflict so that we can fight the real battle facing our country - the battle against poverty and underdevelopment.

We must all realize that there is a price for peace which we have to be prepared to pay. In order to eradicate poverty in our country, it is our collective responsibility to create an atmosphere of security, peace and stability, in that order.

Finally, fellow citizens let us all look to the future. Let us put aside our differences and work together for the future of our children and grandchildren. Let us not allow petty jealousies, rumours and squabbles to create a rift which evil forces can use to destroy us all. Let us all commit ourselves to seeking that which is for the common good. If individual and selfish desires are allowed to cloud our sense of unity and judgement, the outcome will be collective destruction. Let us always remember that the courage of our convictions will enable us to reach the desired goal, no matter how distant it may seem. The road may be long and rocky. The climb may be high and steep. But if we persevere, we shall overcome all the obstacles. And we shall get there sooner than we think.

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LETTER DATED 10 FEBRUARY 1999 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter dated 8 February 1999 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina (see annex).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-03613 (E) 160299

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Annex

Letter dated 8 February 1999 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you the twelfth report on the activities of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina (see enclosure). I would appreciate your making the report available to the Security Council.

(Signed) Carlos WESTENDORP
High Representative

Enclosure

REPORT OF THE HIGH REPRESENTATIVE FOR IMPLEMENTATION OF THE PEACE AGREEMENT ON BOSNIA AND HERZEGOVINA TO THE SECRETARY-GENERAL

OCTOBER-DECEMBER 1998

1. Pursuant to Security Council Resolution 1031 of 15 December 1995, which requested the Secretary-General to submit reports from the High Representative in accordance with Annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8-9 December 1995, I herewith present the twelfth report to the Council.

2. The Report covers the activities of the Office of the High Representative and developments in the areas listed below during the period from the beginning of October1998 to the end of December 1998.

SUMMARY

3. The reporting period was dominated by the implementation of the election results following the general and cantonal elections of 12/13 September, and by the Madrid Peace Implementation Council (PIC) of 15/16 December 1998. Agreement was reached on special relations between the Federation and Croatia. This agreement and the agreement between Croatia and BiH on the use of the port of Ploce (initialed in September) were signed in Zagreb on 22 November 1998.

4. The Madrid PIC meeting reviewed developments since the Bonn PIC in December 1997, and agreed a peace implementation agenda for the coming year. At my initiative, the local parties were, for the first time, closely involved in the drafting of the Conclusions. Many of their proposals were reflected in the final texts, which were unanimously adopted. The Council strongly reaffirmed the Peace Agreement as the basis of freedom and democracy in Bosnia and Herzegovina. While noting the substantial progress of the last twelve months, the Council recognised how much more remained to be done to make peace in BiH self-sustaining. It acknowledged that following the end of the 'consolidation period', the next two years will be vital in strengthening the peace process and building democratic and market-oriented institutions - with the authorities in BiH increasingly assuming greater responsibility for the functions now undertaken or co-ordinated by the international community. It endorsed the continued presence of the international community in BiH as vital to help build the peace. But the Council drew attention to the fact that international assistance to BiH was now at its height and would inevitably begin to reduce in the near future. BiH should therefore use the coming period to prepare for life without total reliance on foreign aid.

5. The Council endorsed a comprehensive blueprint for reinforcing peace in BiH. This included a major effort to promote refugee and displaced person returns in 1999 (including endorsement of the Refugee and Reconstruction Task Force (RRTF) plan for 1999, accompanied by a pledge to provide funding for it). The Council also agreed on detailed proposals to strengthen BiH internally and externally. This will be achieved by measures to:

- entrench the rule of law, (in particular by reforming the judiciary and restructuring the police on multi-ethnic lines);
- strengthen BiH's institutions, especially its common institutions;
- create a market economy in BiH, and press ahead with privatisation;
- promote further democratisation by developing a new electoral law and further media reform.

6. BiH will be strengthened externally by the establishment of a BiH Border service at the state level, with the appropriate legal foundation, to control the frontiers of the country, and, *inter alia*, by steps, to be taken together with the Presidency and the Entities, towards establishing a common security policy and a state dimension to defence. The Madrid Declaration also set out proposals for strengthening BiH's ties with the European institutions, principally the Council of Europe and the EU, building on the efforts

of the BiH/EU Task Force. The Council reaffirmed its support for the broad and substantial powers given to me at the Bonn PIC. The Madrid Declaration is attached as an Annex to this report.
Apart from Madrid, the reporting period saw further efforts towards the formation of a government in the RS, with the nomination by RS President Poplasen of Mr Kalinic (SDS, ex President of the RS National Assembly) to the post of 'mandator'. Kalinic failed, however, to win parliamentary backing and was replaced in early January by a further candidate. At the time of writing, efforts to form a government continue. The SLOGA coalition maintained its unity and its support for Milorad Dodik as its candidate for premier.

7. Implementation of the election results continued in the Federation. At the cantonal level, all governments have been appointed. At the level of the Federation Assembly, the 1998 election results have been implemented and the Government formed.

8. Efforts to promote returns continued, and significant movements in the second half of 1998 brought the total number of minority returns to 40,000. Returns took place to, *inter alia*, Gradiska, Prijedor, Petrovac, Stolac, Capljina and Mostar municipalities as late as December. The first cross-border returns of Croatian Serbs took place in November.

9. There was progress on property issues, with the adoption on 2 December by the RS National Assembly of the *Law on the Cessation of Application of the Law on Use of Abandoned Property*. This removes a major obstacle to returns in Republika Srpska.

COORDINATION OF CIVILIAN IMPLEMENTATION

10. Peace Implementation Council: The Steering Board of the Peace Implementation Council (PIC) has continued to meet on a regular basis at the level of Political Directors. It continues to serve as a key instrument for guidance in the GFAP implementation process.

11. On 6 October, the Steering Board met in Sarajevo, where it discussed the political situation after the September elections, the follow-up to Art.109 and Art.74 of the June 1998 Luxembourg Declaration, police restructuring and returns. The meeting also dealt with the issue of dual citizenship, media issues and common institutions.

12. The meeting held in Brussels on 17 November focused on the RRTF plan for minority returns in 1999 and OHR budgetary issues but also dealt with Federation issues, dual citizenship, the work on the permanent electoral law, judicial reform and the preparations for the Madrid PIC. Additional meetings of the PIC Steering Board at Political Directors' level were held in Madrid on 30 November and 14 December for the preparation of the PIC declaration and annex. I have also continued to convene weekly meetings of the Board at ambassadorial level in Sarajevo.

INSTITUTIONAL MATTERS

13. Common Institutions: The newly-elected common institutions of Bosnia and Herzegovina (Presidency and Parliamentary Assembly) held their inaugural sessions and began to meet quite regularly in the last months. My Office continues to work with the common institutions' members and their staff in order to improve their efficiency. All the institutions now meet at the renovated Marijin Dvor Building and the wasteful rotation of plenary sessions between the National Museum in Sarajevo and the Electro-Technical Faculty in Lukavica has finally ceased.

14. The reconstituted Presidency (chaired by the new Serb Member, Zivko Radisic, and comprising a new Croat Member, Ante Jelavic, and the re-elected Bosniac representative Alija Izetbegovic) held four working sessions, all marked by a more cooperative and positive approach. Discussions focused on the development of a common platform for the Madrid PIC and on the establishment of common services for the Presidency, with some encouraging results. A jarring note was the long delay in the appointment of the Co-Chairs of the Council of Ministers, with the Presidency failing to announce its candidates until the

end of December. They will not take office until they have been approved by the House of Representatives, as required by the Constitution.

15. The newly elected House of Representatives of Bosnia and Herzegovina held its constitutive session on 26 November and its first working session on 10 December. It adopted amendments to the Law on Travel Documents, extending the validity of the old RBiH passport until 30 June 1999. With the new, post-election distribution of seats in the House of Representatives, no single party has a working majority : the early sessions indicated that the introduction of four new parties and the weakened position of the "historic" ruling national parties should mean a diversification of opinion and help to weaken the national parties.

16. The House of Peoples of Bosnia and Herzegovina, the members of which are appointed by the Entity Parliaments, held its inaugural session on 4 December.

17. The lengthy delay in forming a new Council of Ministers has impeded the work of this institution. The Council has been unable to adopt new initiatives or legislation in its caretaker capacity, and members unlikely to return have demonstrated an increasing lack of interest in the proceedings.

18. SCMM: Since my last report, the Standing Committee for Military Matters (SCMM) has held its tenth and eleventh sessions. Some progress has been made on a number of issues, such as the protocol on cross-IEBL flights which was signed on 27 October. However, in general the SCMM has achieved very little of substance over the course of the past year. It is becoming increasingly clear that it, and its Secretariat, must adopt an altogether more positive approach to its role, and take on a much more substantive programme of work. This is particularly so now that the Madrid PIC has endorsed the need for the parties in Bosnia and Herzegovina to take steps towards establishing a Common Security Policy and a State dimension to defence.

19. The Constitutional Court of Bosnia and Herzegovina: The Constitutional Court of Bosnia and Herzegovina continues its consideration of a case concerning the conformity of the Entities' Constitutions with the Constitution of BiH. Two sessions, on 14-15 October and 21-22 December 1998, aimed at a comprehensive public hearing for all parties concerned. In both cases, this turned out to be impossible, first because of the failure of the Republika Srpska and the Croat side of the Federation to designate their representatives, and later for procedural reasons related to the substitution of one of the Bosniac judges, who resigned in October. A new session and public hearing of the same case is scheduled for 23 January 1999 in Banja Luka. Meanwhile, payments to the Constitutional Court from the State budget, which only began in August 1998, have been inadequate to secure the smooth running and financial independence of the institution. As a result, the Madrid Declaration called for larger allocations from the State budget, to be supplemented by international donors' contributions through a voluntary fund.

20. Citizenship Law: The draft *Law on Citizenship of the Federation of Bosnia and Herzegovina* was finalised with experts from the Federation of Bosnia and Herzegovina, the Council of Europe and the UNHCR. I expect the law to be adopted within the coming months.

21. A meeting with experts from Republika Srpska, my Office, UNHCR and the Council of Europe took place in November 1998 in order to draft a Citizenship Law for Republika Srpska. Another meeting will be needed before the draft will be ready for adoption by the National Assembly of Republika Srpska.

22. The Agreement on the Port of Ploce: In September, Bosnia and Herzegovina and the Republic of Croatia initialed an "*Agreement on the free transit through the territory of Croatia to and from the Port of Ploce and through the Territory of Bosnia and Herzegovina at Neum*". This Agreement was signed by Presidents Tudjman and Izetbegovic on 22 November in Zagreb. It establishes a free trade zone within the Port of Ploce and arrangements for BiH to import and export goods from the port free of duty. It provides for a Port Authority consisting of members from the Republic of Croatia as well as from Bosnia and Herzegovina, primarily made up of representatives of shippers and users.

23. Special Relations Agreement between Croatia and the Federation: The Federation of Bosnia and Herzegovina and the Republic of Croatia signed an *Agreement on Special Relations* in Zagreb on 22 November, based on Article III.2.d (a) of the Constitution of Bosnia and Herzegovina. It provides for Annexes to be drafted to regulate the details of co-operation. The Annexes must be concluded by 1 July 1999. Existing arrangements may only remain in force until 1 September 1999.

24. Amnesty Law: On 24 December 1998 the Republika Srpska National Assembly passed a Law on Amnesty which amends the previous Law on Amnesty's exclusion of deserters and draft dodgers from legal protection. It also extends the amnesty period to the point at which the conflict ended *de facto*, and makes the amnesty explicitly retroactive. This is an improvement on the previous legal regime and a major step by Republika Srpska towards fulfilling its obligations under Annex 7, Article 6. My Office is still working with the Republika Srpska Ministry of Justice to draft an amendment which would clear up some minor outstanding issues.

25. Succession issues for the Former Yugoslavia: Following a tour of capitals between September and November 1998 (in lieu of the further negotiating session which had been envisaged), the special Negotiator for Succession Issues, Sir Arthur Watts, will hold bilateral meetings, in Brussels, with representatives of the Five States, starting in the second half of January 1999. In view of last month's Madrid Declaration of the PIC, efforts will be made to make rapid progress on outstanding issues.

26. Border issues: Following incursions into BiH by Croatian Border Police in the Martin Brod area, and the establishment of a check-point in BiH territory, SFOR forcibly removed Croatian police present in the disputed area on 23 December 1998. The situation is now calm and the Inter-State Border Commission is now working to reach mutual agreement on this and formal delineation of the mutual border. A number of other border disputes have subsequently emerged.

27. Brcko: Although minority returns to the Brcko area of supervision continued, the pace slowed notably. While the onset of both winter and the school season diminished the pace of housing reconstruction and return, a more significant factor was the virtual exhaustion (except in a few volatile neighborhoods) of the stock of destroyed and unoccupied houses for which CRPC claims had been approved. On 3 November, the Supervisor issued two Orders calling for the Brcko municipal government to enable the return of non-Serb members of the assembly, police, judiciary, and municipal administration and to restore full ownership rights to those property owners to whom Article 17 of the now superseded RS Law on Use of Abandoned Property had been applied. These Orders stressed that no Serb DP would be evicted without having sufficient alternative accommodation and further indicated that the municipal government should find space to relocate DPs by resolving cases of illegal occupation of multiple housing units by single families. The municipal government failed to make significant progress on these Orders by the end of 1998. The Federation also failed to make significant progress on the return of Bosnian Serb DPs in Brcko to their pre-war homes in the Federation.

28. With the encouragement of the Supervisor's office, Brcko's multiethnic administration underwent restructuring which involved the creation of a Secretariat for Public Works (headed by a Bosnian Serb) and a Secretariat for Budget and Finance (headed by a Bosniac). Bosnian Serb party leaders were unable to reach consensus on the candidate for Secretary of Public Works, however, due to concern over shifting the balance between Bosnian Serb political parties in the Executive Board. The intercession of the Supervisor was required, and the two Secretaries were appointed by Supervisory Order on November 16. For much of the October-December period, the Executive Board was characterised by a high state of friction between the Bosnian Serb Mayor and his two Bosniac and Bosnian Croat Deputies.

29. Brcko's multiethnic police has continued to cooperate with the UNIPTF and to function with a reasonable degree of effectiveness. The multiethnic judiciary has continued to function but has been hampered by a severe lack of funds which threatens its existence. Freedom of movement continues to improve.

30. Brcko's economy remains basically stagnant and lacks substantial employment opportunities. Brcko remains in critical need of outside investment to support the multiethnic administration, encourage returnees, and deter the potential for social unrest. The Supervisor has created a privatisation task force to work with the RS and Federation governments in order to determine the most effective and successful way to privatise state-owned and/or socially controlled enterprises in the Brcko area.

31. Federation issues: Federation issues continue to be the focus of attention of my office. The process of the implementation of the election results in the Federation House of Peoples was completed . The SDA-led coalition and the HDZ monopoly on the Bosniac and Croat delegates have been broken. The House therefore has, for the first time, a multi-ethnic party with the SDP having Bosniac, Croat and other delegates. NHI have secured 3 Croat delegates. These breakthroughs are to be safeguarded by provisions in the future election law.

32. Establishment of the new Government in the Federation finally took place in December. On-going problems at the *municipal* level continue to be an important problem on the Federation side. General improvement in the functioning of multi-ethnic authorities following the 1997 municipal elections is welcome. But inadequate progress in many areas and barely functioning joint authorities in a few municipalities are still matters of concern. The adoption of the RRTF's 1999 return plan has added to the importance of this issue, given the vital role of municipal co-operation in fostering returns. My Office has received full support from the international community to apply sanctions in cases of non-compliance, and to withhold international economic assistance from municipalities which have had their final certification withdrawn by the OSCE. The report on the secondment of special envoys, prepared by my Office, in accordance with the Article 74 of the Luxembourg Declaration, has been adopted. The deployment of special envoys, as endorsed by the Madrid PIC will, I hope, increase the level of implementation in this regard.

33. Despite considerable achievements in the field of minority return, significant breakthroughs are still needed. Recent incidents against minority returns to Herzegovina are of concern. Attacks on Bosniac returnees in Stolac municipality have brought the number of attacks to eight since October and to 71 in 1998. These incidents underline the urgent need for firm action by Croat leaders to make clear that violent behaviour and intimidation will not be tolerated.

34. I greatly welcome SFOR's willingness to engage closely in assisting returns. My Office has been working closely with SFOR on the development and implementation of the RRTF plan for 1999. Priorities for the coming year will include dismantling criminal structures in order to bolster the rule of law in the Federation. Recent successes by local institutions and CAFAO are encouraging in this respect.

35. Dismantling of parallel institutions of the former Croat Republic of Herzeg-Bosna and the Republic of Bosnia Herzegovina, especially separate payments and pension systems, and cutting of Croatia's financial support to parallel institutions of Herzeg-Bosna, are the main short-term targets my office continues to follow. The initialling of an Agreement on Special Relations between the Republic of Croatia and the Federation of BiH, will not only contribute to the stability of the region as a whole, but will help us to achieve specific, practical progress too. I continue to look to the international community to work to ensure that Croatia lives up to its commitments in this regard, as well as to its other commitments under the GFAP.

36. Republika Srpska issues: I am concerned that over four months after the elections, the new President - Nicola Poplasen - has failed to nominate a candidate for Prime Minister capable of commanding a majority in the National Assembly. Two candidates - Dragan Kalinic, and Brane Miljus - have been nominated but have failed to gain sufficient support. The National Assembly deputies have clearly expressed their support for a third candidate - the current Prime Minister, Milorad Dodik. But President Poplasen refuses to nominate him. This violates normal democratic procedures and damages the process of implementation.

37. I have stressed to the RS authorities and to International Organisations that in the interim period the Dodik government continues to act with full powers. I have encouraged embassies and organisations to engage with the government. I will not permit President Poplasen to block the process of implementation for political reasons. Nor will I permit him to provoke an artificial crisis in the work of the government. I continue to urge him to respect the normal democratic process and select a candidate capable of commanding a majority in the National Assembly.

38. Implementation of the results at other levels has taken place more smoothly. The National Assembly held its constitutive session between 29 October and 4 November. Despite some obstruction from the SDS and SRS, the Assembly authorities were elected (from the SLOGA coalition). At the same session, the President of the RS took the oath and the RS delegates to the House of Peoples were elected. The Assembly has since passed some important legislation, including the Law on Use of Abandoned Property and the Law on Amnesty.

39. The appearance of Mr Seselj, the extremist Deputy Prime Minister of Serbia, at Mr Poplasen's inaugural reception in Banja Luka in October, in defiance of my instruction not to meddle in BiH politics, was wholly unacceptable. I had no alternative but to declare Seselj *persona non grata* and require his immediate departure from BiH. His departure was monitored by SFOR units.

40. Poplasen's obstructionism might have been motivated by growing expectations and unrest with the Arbitration on Brcko approaching. The Kosovo crisis had, during the reporting period, a limited effect on the political climate in the RS.

Municipalities: Implementation of Election Results

41. At the Cantonal level, with the exception of the Central Bosnian and the Gorazde Canton, all governments have been appointed. The Gorazde Canton Assembly , however, still has to select a delegate for the Federation House of Peoples.

42. At the level of the Federation Parliamentary Assembly, the 1998 election results have been implemented and the Government has been formed. While all the five Serb delegates to the BiH House of Peoples have been selected, a government is still not formed.

43. At the level of the BiH Parliamentary Assembly there is still a debate over the selection of the fifth Croat delegate to the BiH House of Peoples. According to the principle of proportional representation followed in the selection of delegates, this seat should go to a member of the NHI but the HDZ is blocking such an appointment. The rest of the results have been implemented.

Municipalities – Srebrenica

44. Out of the 136 municipalities in which elections took place in 1997, by July 1998 all were certified with the exception of Srebrenica. A plan has been drawn up by the OSCE with a deadline of 31 January for the implementation of the election results in Srebrenica, and includes possible courses of action if the deadline is not met.

45. Two further municipalities were certified in November, bringing the total to five since July. Intensive efforts are underway to ensure that the authorities focus their attention on resolving local governance problems and that these municipalities meet the criteria for re-certification.

DEMOCRACY

46. Election Preparations for 1999: Plans are being made by the OSCE for supervision of the next municipal elections and to assist state authorities in a smooth transfer from a provisional voters register to a permanent voters register under the authority of a permanent election commission. I intend to co-ordinate efforts to ensure a smooth transition from provisional structures to permanent institutions.

47. Electoral Law Reform: Since my last report, the group of independent national experts, which I established on 1 August 1998, has prepared a preliminary draft of the election law. In November, I met with the international advisory team to develop ideas for the election law that would promote a multi-ethnic state, establish an independent election commission and reinforce accountability of the elected representatives to the electorate. The preliminary draft of the electoral law has been distributed to the international advisors for review and comments. The international electoral advisors will meet early in the New Year with the independent national experts and help them develop these ideas and improve the draft of the election law. This will be an on-going process which I will follow extremely closely to ensure that the provisions in the law are in accordance with democratic norms and practices.

48. Media Reform: The progress achieved in media reform was highlighted by the Madrid PIC as one of the most encouraging developments of 1998. The consolidation of this success, combined with the necessary media regulation and complaints procedure through the Independent Media Commission (IMC), will underpin our strategy for 1999.

49. Restructuring of RTV BiH: The restructuring of Radio Television Bosnia and Hercegovina (RTV BiH) was a top priority for media reform in the reporting period. Negotiations were aimed at creating a Federation TV which would enfranchise the Croat people. The process of forming Federation and National TV is being discussed concurrently; the first priority from the point of view of the international community is the formation of a Federation TV, as without it there is no legal basis for a BiH-wide Public Corporation.

50. A Draft Law for the establishment of Federation TV was developed by the RTV Board of Governors together with my Office and the IMC. This will be presented for adoption by the Federation Parliament as soon as possible. Passage of this legislation is an urgent priority as the system to establish funding through subscriptions is contained in the law. A business plan and system to enable transparency in financial administration is also being developed by the Board of Governors. So too is a comprehensive proposal for establishment of the Public Broadcasting Corporation. My Office, the IMC, RTV BiH and representatives of the Croat community, including TV professionals, are currently negotiating a technical system to cope with an expanded Federation TV. A new experimental Federation Channel will be launched broadcasting on transmitters now transmitting HRT programming as necessary to expand the coverage area throughout Herzegovina.

51. The problem of Croatian Television (HRT) transmitting illegal broadcasts terrestrially into BiH was addressed by the IMC on 16 December. It instructed that direct re-broadcasting of HRT programmes be terminated at the earliest practicable time - as soon as RTV BiH is able to organise a Federation television system that met the needs and rights of the Croat community in BiH. The IMC also decided not to licence Erotel re-broadcasting of HRT programmes beyond a brief transition time needed to establish Federation television. Re-transmission of programming from foreign states by terrestrial means on the territory of BiH is a key concern as it obstructs the development of a normal media market in BiH, which in turn impedes development of a market economy. One of the IMC's priorities will be to ensure that all re-transmission, including RTS broadcasts from Belgrade, conform to their regulations.

52. Following agreement between Federation and RS authorities, an Annex 9 Public Corporation will be formed to create a country-wide public television. This corporation will inherit EBU membership. The current RTV BiH, new Federation TV and the Public Corporation will operate in accordance with the new regulatory and licensing procedures administered by the IMC until the new laws on media and broadcasting have been adopted by the BiH Parliament. All of this is being done in close consultation with the Entity authorities, local broadcasting professionals and all of the various communities.

53. The Independent Media Commission: The IMC has, in the reporting period, taken great strides towards fully establishing itself operationally as the Licensing and Regulatory Agency for Bosnia and Herzegovina. Much has been done to fulfil its obligations to the media community in setting, regulating and monitoring best international standards of broadcasting practice, specifically through introducing and

reinforcing its Broadcasting Code, which came into effect on 1 August 1998. In the main, the IMC reports satisfaction with the record of the majority of the broadcast media in complying with the Code and observing the 11 June moratorium on new broadcasting.

54. The IMC's extensive survey of radio and TV broadcasting identified more than 280 stations now operating in BiH. The urgent need for a uniform licensing process is illustrated by the fact that over 15% of stations reported some sort of interference from other broadcasters. The full licensing package was delivered to broadcasters in December and the first official licences are to be issued within 60 days.

55. Self-regulation of the print media to reinforce professionalism and to support independent journalism - with the aim of ensuring sustainability beyond the period of transition - will be embodied in a Press Code. A draft code developed by the IMC in conjunction with journalists' associations was presented to over 150 journalists from the whole of BiH at a media conference in Neum. The working document will be the subject of discussion at a forthcoming meeting of the five BiH journalist associations. The IMC will strongly encourage the creation of a Press Council and will urge the associations to recommend the formation of such a body to their members. The target date for the adoption and establishment of a Press Code is the end of February 1999.

56.The Open Broadcast Network: The Open Broadcast Network (OBN) continues to fulfil its objectives as the only cross-Entity TV broadcaster and is a vital conduit for free and independent information. OBN will play an important part in our strategy on refugee returns, economic reform and in the run up to the municipal elections. Increased strong programming, and improved news broadcasts retain substantial viewing figures throughout BiH. Commercial funding will depend on securing its running costs for this year - so adequate funding for 1999 is vital.

57. Training: We will be making a major effort in 1999 to support journalist training which will aim to improve both overall standards of journalism and media related skills as well as management and commercial administration.

RETURNS

58. While minority returns have fallen short of expectations for 1998, significant movements in the second half of 1998 brought the total number of minority returns to 40,000 out of a total of 140,000 people who returned. 100,000 of these were refugees from abroad, mainly from Germany.

59. The return season continued into December in many areas, including Gradiska, Prijedor, Petrovac, Stolac, Capljina and the Mostar municipalities. Many returns took place despite obstacles, including damage inflicted upon reconstructed houses and continued violent obstruction notably in the Stolac and Capljina municipalities, resulting in the death of a Bosniac returnee in October in Tasovcici. UN IPTF investigations into the situation in Stolac were hampered by further violence.

60. The end of the year saw some progress in the implementation of the Mostar Return Agreement with long-awaited and high-profile movements of Bosniacs to Rastani and the handover of houses of Bosnian Croats in the Poljc settlement in early December. Tensions in Central Bosnia over minority returns to Bosniac and Bosnian Croat villages had diminished by the beginning of October.

61. Administrative integration remains a serious problem. It has caused some to return to their area of displacement over the winter months. This issue will need to be tackled decisively in 1999 if returns are to be sustainable. The rule of law and implementation of new and existing legislation in the sphere of property remains poor in both entities. The reinstatement of minority residents in Banja Luka - representing just a fraction of the problem in the country as a whole - remains painfully slow, despite government assurances to the contrary. However the RS National Assembly, in a crucial step forward, passed amended legislation in December that will allow former residents to reclaim socially-owned 'abandoned' property.

62. The first cross-border returns of Croatian Serbs to Croatia took place in November and the outlook for much greater numbers of returns both of Croatian Serbs and of Bosnian Croats to Bosnia and Herzegovina is hopeful for 1999. However difficulties related to obtaining documents and in traveling to Croatia remain substantial. International assessment of progress by the Government of Croatia in implementing their programme of return is positive but cautious, and the Donors' Conference on 4-5 December made clear that further assistance and cooperation would depend upon compliance.

63. The Steering Board and Contact Group declared the return of refugees and displaced persons to their homes of origin a key priority for 1999. An RRTF Action Plan for 1999 was endorsed by the Madrid PIC. While the principles of the RRTF plan of March 1998 remain valid, a more targeted operational tool is required to make possible the decisive breakthrough in 1999 that is the only hope of facilitating a self-sustaining flow of returns beyond that point. The Plan will require the full commitment of both donors and implementing agencies to ensure that political and material resources are directed, and if necessary re-directed to support and sustain minority return movements. My focus will increasingly be on the application of effective conditionality. In this context the RRTF and the Economic Task Force (ETF) will work even more closely together.

HUMAN RIGHTS AND RULE OF LAW

64. Return-related incidents, including destruction of property and violence, continued during the reporting period, particularly in Stolac, Capljina, and Teslic. In early October, demonstrations aimed at preventing minority returns in Capljina resulted in the death of a Bosniac returnee when a grenade was thrown at his house. Minority returns to Teslic in September and October were also followed by a series of attacks targeting returnees, including grenade and arson attacks. The response of local authorities and police to return-related violence has been inadequate, particularly in Canton 7. In this Canton, UNMIBH established an Operational Performance Scrutiny of the Stolac Police Administration to examine the performance of the Stolac police in preventing and responding to returnee-related violence. The Human Rights Task Force met in November in order to establish the main objectives and priorities in the field of human rights for the upcoming year and these priorities were reflected in the conclusions of the Madrid PIC.

65. **Judicial and Legal Reform:** Intensified judicial reform efforts, under my coordination, were identified as one of the main priorities by the Peace Implementation Council in Madrid. I remain particularly concerned at the lack of independence and impartiality of the judiciary in both Entities. As emphasised in Madrid, legislation to provide for review of judicial appointments by an independent commission, and the establishment of basic standards for an independent judiciary, are essential to ensuring that the judicial appointment process is transparent and free from political influence. A draft law addressing the selection and dismissal of judges in the Federation has been developed and submitted to the Council of Europe and the Federation Judges' Association for comment. The draft law is expected to be submitted to the Federation Parliament in the first quarter of 1999. Early in 1999 my Office will request the Republika Srpska government to establish a working group composed of international and national experts to develop similar legislation, with the aim of submitting it to the National Assembly by July 1999.

66. My Office is proceeding in its work with UNMIBH, the Council of Europe and OSCE in reform of the criminal justice system. Developments in this area have been encouraging. The revised Federation Criminal Code and Criminal Procedure Code became effective on 28 November 1998. The Expert Team to reform the Criminal Law of the Republika Srpska held a comprehensive session in late October, and the Team's draft codes have been submitted to the Government for review and comment. The final drafts will be submitted to the Council of Europe in February for assessment as to compliance with the ECHR and other international standards. The plenary session to finalise the draft codes is scheduled for April, after which they will be presented to the Republika Srpska government for adoption.

67. Investigation and prosecution of serious crime, especially return-related violence and other organised crime, has also been identified as a priority for the upcoming year. Inadequate criminal investigation and prosecution at the local level in both Entities must be addressed through the enhancement of the Entity level prosecutor's offices to ensure a politically-independent prosecutor, with sufficient authority and resources. An initiative to enhance the Entity-level prosecutor's offices has been developed by my Office and the OSCE. Implementation of this initiative is due to begin early in 1999.

68. I am deeply concerned regarding the verdict handed down by the Bijeljina court in December in the re-trial of a case involving seven Bosniac men who fled after the fall of Srebrenica and remained in hiding in RS territory for almost a year. Charges against three of the defendants, who were accused only of weapons violations, had already been dropped; the remaining defendants were convicted of the murders of four Serb woodcutters, as well as a Bosniac companion, during the time they were in hiding. Three of the defendants, including one tried *in absentia*, were found guilty of murder; the fourth was found guilty of attempted murder. The only evidence linking the defendants to the alleged crimes were confessions taken during the original investigation; the court apparently relied on these confessions despite overwhelming evidence that the defendants had been mistreated and the confessions were coerced. The verdict follows a history of apparently political decisions and procedural violations by the trial courts in this case. Due to procedural delays, the three defendants still in custody have already been imprisoned for over two and a half years. Soon after the period covered by this report, agreement was reached to transfer them to prison in Tuzla. But close monitoring of the case will continue to be needed.

69. Human Rights Institutions: I remain extremely concerned by the continued failure of the authorities in BiH to ensure that the decisions and recommendations of Human Rights Chamber and the Human Rights Ombudsperson are implemented. This particularly applies to property-related cases involving apartments purchased by former members of the Yugoslav National Army (JNA), and local authorities' non-implementation of judicial decisions concerning rights to property. In addition, no action has yet been taken by the West Mostar authorities regarding the prosecution of persons responsible for the shooting death and injuries in Mostar on 10 February 1997, contrary to recommendations by the Office of the Ombudsperson. In November, the Human Rights Chamber held a public hearing in Banja Luka regarding the destruction of mosques in Banja Luka. The hearing was held despite continued problems faced by the Chamber in securing a location for the hearing as well as the failure of the government of the Republika Srpska to send an Agent before the Chamber to represent the government at the hearing.

70. The caseloads of the Annex 6 & 7 institutions continue to expand. At the end of November 1998, the Human Rights Chamber had registered 1329 cases, had issued final and binding decisions with respect to 42 cases, and had granted orders for provisional measures in 64 cases, following 13 public hearings. The Commission on Real Property Claims for Displaced Persons and Refugees had received claims concerning 148,167 properties, and had made decisions with respect to 25,421 properties. At the end of December 1998, the Office of the Ombudsperson had registered 2742 cases and had issued final reports with respect to 293, while it had transferred 110 cases to the Human Rights Chamber and issued 13 *ex-officio* "Special Reports".

71. Property: While the process for registering claims for repossessing property in the Federation has improved since I extended the deadline to file claims in September, the rate of decision-making and enforcement of decisions continues to be very poor. In November, I was obliged to suspend until further notice the reallocation of apartments, and the sale of apartments to individuals who acquired occupancy rights after 30 April 1991. I have asked the Federation Government and Parliament to undertake a comprehensive review of laws and administrative practices relating to property and housing, to eliminate outstanding obstacles to return. My Office is commissioning a second review of the implementation of the property laws, the results of which will be communicated to the RRTF and the donor community.

72. On 2 December, the Republika Srpska National Assembly adopted the *Law on Cessation of Application of the Law on Abandoned Property*. This Law rescinds the war-time legislation on abandoned property, which has been a major obstacle to return in Republika Srpska. The Law's adoption represents a positive step forward, establishing an administrative claims process for the repossession of

property, similar to the Federation property laws. My Office will work closely with the Republika Srpska authorities on necessary additional amendments to the property and housing laws, and will closely monitor implementation.

73. Civil society: My Office continues to support initiatives to promote the establishment of a legal framework for non-governmental organizations and foundations which would contribute to the development of a sustainable civil society in Bosnia and Herzegovina. The process of drafting a new Law on Associations and Foundations by local non-governmental organizations and international experts has been finalised and domestic non-governmental organisations will take the lead in the negotiation process with the authorities in the adoption of this legislation.

74. Education: The implementation of the Textbook Review Project agreed between the Ministers of Education of both Entities in May 1998 on the removal of offensive materials from textbooks in use in primary and secondary schools throughout the country continues to progress very slowly. The Ministers have agreed to instruct their experts to draw up guidelines regarding the resolution of disputes over basic terminology, and on the removal of generally offensive material. They are also considering how to resolve issues of disagreement with regard to History, Geography, Art, Music and Language and Literature. The commitment of the Sarajevo educational authorities, however, to withdraw textbooks judged to contribute to ethnic hatred and intolerance from all schools by the beginning of the new school year, has not been met. Progress on the Sarajevo textbook review process has recently halted due to a decision by the Sarajevo Cantonal government that the Education Working Group has no legal standing and that its decisions should therefore be rejected. While progress has continued to be made with regard to discrimination and democracy projects, this position seriously jeopardises the continuing work of the Education Working Group. My Office continues to support the work of UNESCO, the Council of Europe, the World Bank and others in their efforts to reform the education system, ensure the availability of adequate resources to enable reform, and to develop curricula appropriate for use in all communities.

75. Economic and social rights I am concerned by the widespread existence of various forms of discrimination in the field of economic and social rights, including in labour and social protection. In the absence of efficient administrative and legal redress mechanisms, this vital category of rights is particularly endangered. My Office has engaged in discussion with the relevant international organisations regarding possible strategies aimed at preventing, sanctioning and eliminating this widespread form of discrimination.

76. Missing persons and Exhumations: My Office has taken the lead in promoting better co-operation between the parties in the area of exhumations and missing persons. Tremendous progress was made in 1998 in this vital field. For example, unrestricted access to grave sites for exhumations and the collection of surface remains has been provided by each of the three ethnic groups, without demands for reciprocity. As a result, the three groups have worked at 358 locations and have together exhumed nearly 1, 800 bodies in 1998. Over 70% of these have been identified. While the fate of the majority of the missing remains unresolved and much work remains to be done, the move from access to grave sites based on reciprocity to full cooperation between the three Commissioners for Tracing Missing Persons, is a very significant breakthrough in the process. Building upon this success in the exhumations process, the priority for my Office in the coming year will be to persuade the authorities in BiH to tackle the issue of the missing - especially of detainees unaccounted for.

77. Cooperation with the ICTY: There was a notable incident of violence directed against members of the international community following SFOR action to detain individuals indicted by the Tribunal. In December, SFOR's detention of General Radoslav Krstic under sealed indictment by the ICTY was followed by a violent attack on two ECMM monitors by a crowd in Vlasenica. Statements made at a rally by the Mayor of Vlasenica provoked the crowd and appear to have led directly to the attack. I have since removed the Mayor of Vlasenica.

78. Freedom of Movement: Following the successful implementation of the Uniform Licence Plate and the Common Vehicle Registration Document, I have decided to introduce a Common Driving Licence as

a further measure to promote freedom of movement. In BiH, the driving licence is the principal means of driver identification. The new Common Driving Licence will conform to EU standards.

79. Police restructuring: In December, I endorsed the Framework Agreement on Police Restructuring, Reform, and Democratisation in Republika Srpska negotiated between the RS Government and UNMIBH. The agreement calls for the phased introduction over two years of minority, i.e. 'non-Serb' officers into the RS Interior Ministry police force. According to benchmarks stipulated in the agreement, by December 2000, 24% of the force, or over 2000 officers, will be non-Serb. The agreement also ties the RS Interior Ministry to UNIPTF selection and training protocols.

80. In the Federation, UNMIBH has established working groups for the recruitment of minority police in every Canton. The working groups, comprised of UN and Cantonal Interior Ministry representatives, are responsible for identifying minority candidates for inclusion into Cantonal police forces. The Herzegovina-Neretva and Una-Sana Cantons have made the most significant progress during the reporting period.

81. During the reporting period, my Office continued to refine the concept for the establishment of the State Border Service, decided upon by the Bonn PIC in December 1997. The force will be civilian, professional, and multi-ethnic in composition. At its Madrid meeting, the PIC supported the idea of forming an initial contingent of 300-400 Border Service officers to be deployed at selected major crossings by October 1999. The priority activities for the coming three months will be the finalisation of the draft Law on the State Border Service and the development of management capability in the state-level Ministry of Civil Affairs and Communications.

ECONOMIC REFORM AND RECONSTRUCTION

82. Reconstruction: Infrastructure issues related to promoting freedom of movement continue to require the attention of my Office. Progress, though slow, has been made in a number of areas including bus services, river transport and reconstruction of international bridges.

83. The instructions on the regulation of inter-Entity and international bus traffic were signed by the Ministry of Civil Affairs and Communications. Entity ministries have approved 45 inter-entity lines. The BiH Council of Ministers adopted an agreement on the regulations for navigation on the Sava River Bridge reconstruction at Gradiska and Brod, funded by the EC and USAID, is due to begin in early 1999. The World Bank-funded bridge at Orasje was opened in December and provided a much-needed link between BiH and Croatia. Reconstruction of the EC-funded Karuse bridge on the IEBL near Doboj has also started.

84. Reform of Public Utilities and Implementation of Annex 9: In the field of energy, the working group created by the Commission on Public Corporations agreed to establish a Joint Power Coordination Center for the transmission of electric power. The three existing Elektoprivedas signed an agreement to that effect on 3 November 1998 and reached agreement on the successive implementation phases.

85. Some progress was also made in the re-organisation of the railway sector and a draft law is now being reviewed at the Federation level for the establishment of Federation Railways. The Railway Corporation pursued its organisational work but the solution of a number of legal problems was delayed by the replacement of the Ministers of Justice in both the Federation and in the Republika Srpska.

86. Deterioration of inter-entity *telephone* links continued to impede communications. On 9 December, thanks to the direct intervention by my Office, 420 inter-entity telephone links were re-established. The Telecommunications Working Group considered draft proposals for the structure and regulations of the Telecommunications Regulatory Agency, agreed on the substance of an international licence, arrived at a shared position on tariff policy, and discussed the next steps towards a BiH numbering system.

87. My Office has been actively involved in the *postal* sector, which urgently requires re-organisation and modernisation. The Government of the Netherlands has agreed to provide an expert who will produce an initial proposal for a State-level BiH postal law. The Italian Government donated six vehicles for the delivery of inter-entity mail.

88. Macro Economic Reform and Transition: The Economic Task Force (ETF) continues to play a vital role, under my chairmanship, in co-ordinating economic reform policies and international reconstruction assistance. As confirmed in Madrid, my Office will continue to ensure that the ETF Secretariat, operating in co-operation with the IMG, informs and guides the donor community through monthly publication of an economic newsletter and donor meetings as well as review and evaluation of progress. The ETF is also responsible for exercising conditionality.

89. Following the introduction of the Konvertible Marka notes last summer and my decision on the design of the coin, 10, 20 and 50 Feninga coins, minted by the United Kingdom's Royal Mint, the coins were put into circulation in November. While the new currency has gained considerable public confidence, my Office continues to monitor and promote the steps necessary to increase its use in those parts of the country where it has been slower to gain acceptance. My Office is deeply concerned at the reluctance of key international organisations to use the currency as the sole medium of payment.

90. Entities have honoured their commitments to provide budgetary payments to support the 1998 State budget. My Office continues to assure the viability of Common Institutions. Both Entities have been preparing their 1999 budgets. The budget has been adopted as a draft proposal in the Republika Srpska while the passage in the Federation is imminent. Reasonable remuneration for the judiciary is a prerequisite to a well-governed civil society; salaries of judges in the RS remain particularly low. My Office has been working with the RS government to allocate adequate salaries for judges.

91. Substantial progress has been made on the closure of the National Bank of Bosnia and Herzegovina (NBBH), a key issue for completion of the first review under the IMF stand-by arrangement. My Office is following a plan prepared by the Federation government, in consultation with the payment bureau (ZPP) and the Central Bank of Bosnia and Herzegovina, whereby the covered government deposits at the NBBH will be moved to commercial banks. Uncovered deposits will be frozen in a NBBH account. The NBBH has stopped all banking operations.

92. My Office was extensively involved in a major investment agreement signed between the European Investment Bank (EIB) and the BiH Ministry of Foreign Trade and Economic Relations. The State has undertaken to settle a pre-war credit (6 million ECU) extended to the former Elektroprivreda, a public company. The EIB plans to invest nearly 100 million ECU in the infrastructure sector over a two year period starting in 1999.

93. On 28 October, the members of the Paris Club provided significant debt relief to BiH by agreeing to write off external debt which the country owed to foreign governments. The agreement accepted a write-off of 67 per cent of the value of unpaid principle and interest due through to 30 April 1999. Late interest payments for the period 1 July 1998 to 30 May 1999 will not, however, be written off. The Paris Club agreed in principle to hold another meeting to discuss repayment of this remaining debt provided that BiH continues to have an appropriate agreement with the International Monetary Fund, and that BiH and the creditor countries conclude bilateral agreements by April 30, 1999. My Office played a key role in these negotiations.

94. Civil Aviation: On 1 October 1998, the Council of Ministers accepted and signed a letter by means of which COMSFOR delegated the authority and responsibility for management of the upper airspace between FL 330 and FL 450 over Bosnia and Herzegovina to the Department of Civil Aviation (DCA). The Letter of Delegation provided the DCA with the legal authority to enter into agreements with airspace service providers Zagreb (ATSA) and Belgrade (FATCA).

95. On 17 November 1998, the draft Aviation Law was submitted for a second time to the Council of Ministers urging them to forward it to the Parliamentary Assembly as no action had been taken on the adoption of this law by then. This unfortunately is still the case. The Madrid Declaration of the PIC calls on the common institutions to adopt this important law by 28 February 1999.

96. Without the agreements with FATCA and ATSA, the DCA, which desperately needs funding, is still unable to instruct EUROCONTROL on how to distribute the over-flight revenues, both those already collected and those which will be collected in the next year.

97. In December 1998, the BiH DCA, encouraged by my Office and SFOR, accepted an ICAO project to help improve its organisation, management, and ability to fulfil its obligations with regard to international civil aviation. This is funded by the European Commission to the tune of US$1.2million. The project includes the one year secondment to BiH of a Civil Aviation Adviser/Project Co-ordinator; assistance in specific civil aviation disciplines primarily related to safety; the review and update of the Civil Aviation Master Plan; and a comprehensive proposal for the organisation of common country-wide Air Traffic Control Services in BiH.

98. On 31 December 1998, the BiH DCA let expire the tender validity for the Emergency Transport Reconstruction Project - Air Navigation Component (BP12). Cancellation of the tender means cancellation of the corresponding loan from the European Bank for Reconstruction and Development(EBRD), worth some US$3.2 million.

99. At Sarajevo Airport, overnight parking permission was granted to Air Bosna, Air Adria (Slovenia), and Croatia Airlines from October 1998. By the end of the year, 10 airlines had scheduled air services operating in and out of Sarajevo. Traffic, passenger, and air cargo services are increasing at a rate which, if sustained, will mean that passenger numbers are likely to reach pre-war levels during the course of 1999.

100. The Tuzla Civil Airport was officially opened on 10 October 1998. The airport is only capable of limited operations for the time being.

101. In October 1998, a Letter of Exception granting overnight parking facilities at Banja Luka airport was issued by SFOR. This enabled SATAIR, the first airline of Republika Srpska, to start planning scheduled services, initially to Belgrade and Duesseldorf.

102. By the end of 1998, Croatian Airlines and Tyrolean Airways were running scheduled air services to and from Mostar airport.

103. Military Matters: As part of our efforts to improve the professionalism of the Entity Armed Forces, and to reduce the involvement of the military in the political process, the then Commander of SFOR, General Shinseki and I issued a letter to the parties on 21 October 1998, instructing them that no general officer may be appointed, promoted or removed without the approval of the Commander of SFOR. The letter did not state, as some press reports have claimed, that COMSFOR may appoint or promote general officers himself against the will of the parties, although he has the right to remove them. This right was invoked by the new Commander of SFOR, General Meigs, in order to remove General Sopta for deploying HVO troops to intimidate voters in Herzegovina in the September 1998 elections.

104. Demining: Progress continues to be made in the sphere of demining in Bosnia and Herzegovina, most notably with regard to the Slovenian Trust Fund. The MOU between the Slovenian Trust Fund and the Council of Ministers of Bosnia and Herzegovina, still awaiting signature at the time of the last report, has now been signed. This sets out the arrangements for the funding of demining for the future, via the Trust Fund. With several contributions already made, momentum will increase and the Trust Fund should become the major source of income for demining and victim assistance in the years ahead. Donors are to be encouraged to contribute money through the Trust Fund, in order to draw maximum benefit from the "double your money" mechanism sponsored by the US Government.

105. The PIC Steering Board finally clarified its intentions with regard to the manufacture, storage and use of land mines by the Entity Armed Forces. According to the Ottawa Treaty, which comes in to force in March 1999, and to which Bosnia and Herzegovina is a signatory, only anti-tank mines may be retained. Plans are being made to regulate the storage of such mines, possibly as a State, rather than Entity, asset. Both Entities report that they no longer manufacture mines of any sort. Plans are also being made to destroy any excess stocks of anti-tank mines and all anti-personnel mines.

106. The total area surveyed and cleared of mines in 1998 by 1 January 1999 was 4.4 million sq.m. Although the final figures may still change, this represents a reduction from that of 1997, owing to a tightening of the rules on certification of cleared areas. Sadly, 3 people were killed in October 1998, while conducting demining. The underlying trend, however, is that demining incidents are decreasing. In November and December, there were no recorded mine incidents. In addition, Demining Action Plans for 1999 have been published by the BH and Entity Mine Action Centres (MACs). The BH MAC has employed a PR planner to establish a PR strategy to encourage donors.

Appendix

DECLARATION OF THE PEACE IMPLEMENTATION COUNCIL, MADRID, 16 DECEMBER 1998

1. We, the members of the Peace Implementation Council met in Madrid on 15/16 December, where we reviewed progress in implementing the Peace Agreement in Bosnia and Herzegovina. We identified what still needed to be done to make the peace self-sustaining, and agreed on a work programme to achieve this. We approved the following Declaration, and an accompanying detailed operational Annex.

2. We note with satisfaction that Bosnia and Herzegovina has taken great strides forward in the last year. The basic institutions of the State, both political and economic, have been established. Key laws, including on foreign investment, privatisation and property, are now in place. Freedom of movement across the country has substantially improved. Fundamental reform of the media is well underway, and is helping to create a more democratic society. Elections have demonstrated a trend towards growing pluralism and tolerance.

3. This success is encouraging. A lasting peace within Bosnia and Herzegovina is starting to take root. We re-affirm that the Peace Agreement is the basis of freedom and democracy in Bosnia and Herzegovina and urge its people to join hands with us in implementing it in full. We remain determined to build a self-sustaining peace in Bosnia and Herzegovina together on the basis of the Peace Agreement.

4. But there is still much work to be done. Bosnia and Herzegovina's structure remains fragile. Without the scaffolding of international support, it would collapse. In order to create a self-sustaining state of BiH, action is needed in particular on: inter-ethnic tolerance and reconciliation; the development of effective common institutions with powers clearly delineated from those of the Entities; and an open and pluralistic political life. The growth of organised crime also represents a serious threat to BiH, and is completely incompatible with BiH's integration into Europe.

5. Following the end of the 'consolidation period', the next two years will be vital in strengthening the peace process and building democratic and market-oriented institutions, with the authorities in BiH increasingly assuming greater responsibility for the functions now undertaken or co-ordinated by the international community. We recognise the continued need for an international presence in Bosnia and Herzegovina - both civil and military - to help build the peace. We express our gratitude to the men and women of SFOR for their service in the cause of peace. SFOR's presence continues to remain essential - both to keep the peace and to provide the secure environment needed for civilian implementation. The Council also re-confirms its determination to apply conditionality to international reconstruction assistance, both by applying positive incentives and excluding non-compliant actors.

6. We say to everyone in Bosnia and Herzegovina: yours is now one of the most assisted countries in the world. International assistance is at its height. It will inevitably begin to reduce in the near future. Bosnia and Herzegovina must use the time that remains to prepare for life without total reliance on foreign aid, and to face up to the challenge of transforming the economy to generate jobs and a better standard of living. This means abandoning the statist economic attitudes of the past, pressing ahead with privatisation and creating an environment which encourages enterprise and allows the economy to flourish, and in which the rule of law is respected. This also requires a greater degree of commitment and co-operation and a more responsible attitude from the authorities of BiH.

7. We reaffirm our conviction that those indicted for war crimes must be brought to justice. We welcome the transfer of indictees to The Hague, and urge all authorities in Bosnia and Herzegovina and other relevant countries to co-operate fully with the ICTY.

8. We call on Croatia and the FRY to implement in full their commitments under the Peace Agreement and to fully respect BiH's independence and sovereignty.

9. Bosnia and Herzegovina must become a modern democratic country, where all citizens are equal before the law, destined to be an integral member of the European family. It must also be a country in which historical, cultural, linguistic and religious traditions are valued and respected, where diversity is a source of strength not division.

10. During the next crucial period we will continue to encourage the return of refugees and displaced persons by fostering a political, economic and security environment conducive to returns; strengthen Bosnia and Herzegovina internally and externally; and support stronger ties between Bosnia and Herzegovina and European institutions.

11. We agreed to press ahead with refugee and displaced person returns. We recall the too long denied right of refugees and displaced persons freely to return to their homes of origin and to have restored to them property of which they were deprived in war. We remain gravely concerned about the frequency of violent incidents in parts of Bosnia and Herzegovina, related to refugee return and to general criminality, and call on all concerned to act in accordance with the law and the Peace Agreement. We call for a re-doubling of efforts to create the conditions for a large number of returns in 1999. In particular, we:

- recall the unfulfilled obligation of the Parties under Annex 7 of the Peace Agreement to co-operate with UNHCR and to create suitable conditions for return;
- insist that the parties establish the conditions necessary for an effective returns process;
- note that many tens of thousands of Bosnians have so far expressed a wish to return home immediately to minority areas, and endorse the Reconstruction and Return Task Force (RRTF) action plan for 1999, which sets out an intensive programme to address the three key issues of space, security and sustainability and includes specific sector plans such as a substantial information campaign;
- undertake to provide the appropriate funding, commitment and resources needed for that purpose;
- welcome the high degree of co-ordination ensured by the plan, as well as, in particular, the intention of UNMIBH and SFOR to cooperate in its implementation to the maximum extent possible within their mandates.

12. Simultaneously, it is also necessary to create the right environment to make returns sustainable, by strengthening the country both internally and externally. A great deal of the physical infrastructure of the country has been repaired. We agree to focus on inculcating the principles that underpin a self-sustaining free market economy and which are vital to any free and democratic society - the rule of law, above all, and the institutions to uphold it.

We are determined to see the inner core of BiH strengthened by building the rule of law, reinforcing the common institutions, creating a self-sustaining market economy and accelerating democratisation.

12.1 The Rule of Law: We consider the establishment of the rule of law, in which all citizens have confidence, as a prerequisite for a lasting peace, and for a self-sustaining economy capable of attracting and retaining international and domestic investors. We resolve that a top priority for 1999 will be to build the rule of law in Bosnia and Herzegovina. We will work to achieve this through a thorough programme of judicial reform, including:

- the creation of an independent, impartial and multi-ethnic judiciary;
- the establishment of judicial institutions at the state level in accordance with the opinion of the Venice Commission, including an institution to deal with criminal offences by BiH public officials in the course of their duties;
- strengthening prosecution of organised crime, return-related violence, corruption and other serious criminality;
- faster police restructuring, including the establishment of multi-ethnic, professional police forces;
- rationalising and reinforcing the institutions for human rights protection;
- strengthening the Constitutional Court;
- better public information about the rights of citizens and legal assistance;
- developing and implementing an equitable mechanism to enforce legal rulings.

12.2 Institutions: Strengthening the institutions, especially the common institutions, is also a vital component of any effectively functioning state. The main institutions now exist at the Bosnia and Herzegovina level. But they do not yet work efficiently. Remedying this problem will be a central plank of our work in the coming year, and will go hand in hand with efforts to entrench the rule of law. It will be achieved by:

- ending 'parallel' institutions;
- immediate and decisive efforts by the Council of Ministers to improve its structures;
- the creation of a professional, apolitical civil service;
- the adoption, as soon as possible, of further laws necessary for the establishment and functioning of existing and other necessary institutions.

12.3 Self-sustaining economy: It is now essential to tackle, as a matter of urgency, the task of transforming Bosnia and Herzegovina's economy in 1999 to make it capable of surviving and prospering with reduced foreign aid. We agree a package of measures to:

- pursue stability-oriented macro-economic policies under the present stand-by agreement with the IMF;
- accelerate the establishment of a market economy;
- develop Bosnia and Herzegovina economy as one single economic space based on EU standards;
- install the legal and regulatory infrastructure necessary for a newly emerging, free market society;
- privatise, in a transparent and apolitical manner, state-owned industries, banks, as well as small businesses and public utilities;
- reform payments systems;
- establish properly functioning capital markets and banking institutions;
- fight against corruption, fraud and fiscal evasion;
- create adequate and sustainable conditions for the development of small and medium enterprises and stimulate foreign and domestic investments in the country.

12.4 Democratisation: Democracy is taking root in Bosnia and Herzegovina; but it needs to be reinforced at every level. We pledge to work together to achieve this - to give citizens real control over their own lives, with decisions that affect them taken as close to the citizen as possible. We pledge to work to create a culture of open debate in which different views and traditions are respected, from the education system to the parliament chamber. We aim to do this by:

- working with the people of BiH and their representatives to develop a new electoral law which will promote a democratic and multi-ethnic political process and make the elected officials accountable to the voter;
- increasing transparency in relations between Entities and their administrative units, including a clear delineation of their respective responsibilities;
- furthering media reform, to promote a free exchange of ideas and opinion, including by the establishment of a joint inter-Entity Annex 9 Public Broadcasting Corporation across the country which will respect the cultural identities of the constituent peoples and others;
- placing a major emphasis on education at all levels, to ensure that the children of Bosnia and Herzegovina are given the best chance of a brighter future;
- following judgements by the Constitutional Court on possible changes to the Entities' constitutions to bring them in line with the Bosnia and Herzegovina Constitution, to protect the rights of all the constituent peoples;

- promoting civil society and the growth of the voluntary sector in Bosnia and Herzegovina.

13. The outer ring - a more secure Bosnia and Herzegovina: We also intend to strengthen the 'outer ring' of the country by:

- working, in co-operation with SFOR and the OSCE, with the armed forces and Entity and State governments to maintain military stability, increase co-operation and confidence between the Entity Armed Forces, nurture stronger joint military institutions, reduce defence expenditure, increase professionalism, and remove the military from inappropriate involvement in the political process;
- taking steps together with the Presidency and the Entities towards establishing a common security policy and a State dimension for defence. As part of this, the Standing Committee on Military Matters (SCMM) is to be strengthened with respect to the Constitution;
- working and co-operating fully with the OSCE in Article II confidence-building measures and working closely with relevant security institutions and organisations;
- establishing a Bosnia and Herzegovina Border Service at the state level with the appropriate legal foundation to control the frontiers of the country, as envisaged in the Peace Agreement. This force might in due course also carry out other work, such as drug enforcement, diplomatic protection and protection of state buildings, and investigation work as a partner to Europol and Interpol;
- pressing for faster progress in establishing normal and legitimate relations without preconditions with Bosnia and Herzegovina's neighbours, with clearly demarcated borders and full respect for Bosnia and Herzegovina's territorial sovereignty;
- working with the parties to reinforce the progress made in CSBM and arms control and to conclude, as quickly as possible, a further agreement enhancing regional security and reduction of military resources, in line with Annex 1B of the Peace Agreement.

14. As well as strengthening Bosnia and Herzegovina internally and externally, we agreed to work to strengthen ties between Bosnia and Herzegovina and Europe. We all share the aspirations of the people of Bosnia and Herzegovina for the country to integrate more closely with the European family of nations and institutions. Europe is Bosnia and Herzegovina's future. We welcome the European Union's intention to develop further its relations with BiH in the political and economic fields, which will contribute to the stability of the country and the co-operation of the parties in BiH. We will also promote closer ties with Europe by working to ensure that Bosnia and Herzegovina meets the standards for Council of Europe membership in time for it to be in a position to join as soon as possible and supporting the efforts of the EU/BiH Consultative Task Force to develop BiH's administrative and legislative institutions.

15. The role of the High Representative: We re-affirm our strong support for the High Representative and his role, under the Peace Agreement, as the final authority in theatre in interpreting the civilian aspects of the Agreement, and, in particular, as the co-ordinator of the activities of the civilian organisations and agencies in Bosnia and Herzegovina. We support the High Representative's expansion of his consultation and co-ordination through the PIC Steering Board with other co-ordinating bodies in his capacity as the senior representative of the international community in BiH. We fully endorse the broad and substantial powers given to the High Representative at the Bonn Peace Implementation Council. Without the use of that authority in the last twelve months, less progress would have been achieved. We recognise the necessity to consolidate the High Representative's ability to make rapid progress, especially in the field of the economy, as well as his ability to fully enforce his decisions. In order to enable the High Representative to carry out his agreed actions, we acknowledge the need to ensure timely and adequate funding of his Office.

16. We welcome the Parties' affirmation of their commitment fully to implement the programme set out in this Declaration and Annex.*

* *Not attached to this report but available separately from the OHR*

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Security Council

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S/1999/140
11 February 1999

ORIGINAL: ENGLISH

LETTER DATED 10 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the attached statement I made at the Security Council meeting today, 10 February 1999, on the agenda item entitled "The situation between Eritrea and Ethiopia", presenting my Government's central concern in the overall content of draft resolution S/1999/133, which was subsequently adopted by the Council (resolution 1227 (1999)).

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-03607 (E) 110299

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Annex

Statement made on 10 February 1999 by the Permanent Representative of Eritrea to the United Nations at the Security Council meeting on the agenda item entitled "The situation between Eritrea and Ethiopia"

I am honoured to address the Security Council in this meeting to consider the current draft resolution on the Eritrea/Ethiopia conflict. Indeed, my Government appreciates the serious concern of the Council regarding the conflict between Ethiopia and Eritrea, and the dangerous level it has been escalated to the Ethiopian Government. Eritrea further welcomes the Council's decision to be actively seized of the issue.

My Government presented in writing its considered reaction to the last resolution concerning the conflict between Eritrea and Ethiopia (resolution 1226 (1999)), and I need not repeat it here. Needless to say, the concerns that Eritrea tried to alert the Security Council about in its presentation have unfortunately come to pass. Ethiopia has broken the de facto truce that had existed since June and restarted an all-out offensive against Eritrea.

It is a fact known to members of the Security Council that Eritrea has constantly and consistently called from the outset of this conflict for the renouncement of the use and threat of use of force, for a firm, irreversible commitment to a peaceful and legal solution of the conflict, for a binding ceasefire or cessation of hostilities so that a conducive atmosphere could be created for the peace process to continue and succeed. Such calls were repeated by the international community, including the Council. Sadly, these calls were adamantly rejected by Ethiopia. Nonetheless, Eritrea continued to engage in all peace endeavours by concerned parties in good faith, reaffirming that despite Ethiopia's constant threats and declared preparations for war, it shall never shoot unless shot at.

My country has been shot at and forced to defend itself in the current all-out offensive unleashed on it by the Ethiopian regime. Indeed, the fact that Ethiopia intended and was preparing to do just that was never hidden from the international community. Consistent with its Parliament's standing declaration that unless Eritrea unilaterally and unconditionally withdraws from its own territory that Ethiopia claims, Ethiopia will make it do so by force, the Ethiopian Government has, going from bad to worse, escalated this conflict from a containable border skirmish to an all-out war.

The fact that Ethiopia started this offensive and violated the United States-brokered moratorium on air attacks has been contrary to its useless but usual attempt to deny it, ascertained by all those who have followed and witnessed its final preparations and the actual launch and conduct of its current offensive. We can only be convinced that this fact cannot be unknown to your Governments as well, as representatives of the diplomatic communities in either or both countries, those of your Governments included, have followed or witnessed the facts for themselves.

Summarizing the overwhelming independent eyewitness reports of the developments on the ground, Global Intelligence Update writes "Ethiopia launched an offensive against neighbouring Eritrea on 6 February, ostensibly aimed at retaking the disputed border area of Badme". The Update continues to warn "the problem for international organizations attempting to broker a peace treaty between the two countries is that the dispute is not that simple. Ethiopia has not expended an estimated $300 million on arms since last June simply to retake a desolate patch of rocks".

Concerning the violation of the moratorium on air strikes, no less than President Clinton, the broker and thus custodian of that moratorium, has clearly indicated that it is Ethiopia that did so. He said: "I am particularly alarmed by the recent use of air power, which escalates the conflict and violates the agreed moratorium. I urge the Ethiopian Government to refrain from further use of its aircraft as currently employed along the border". A myriad of independent on-site witnesses of the Ethiopian air bombardment of towns and other civilian centres, including shelters set up for deportees from Ethiopia some 30 kilometres away from the war front, have reported the death of innocent civilians and devastation of property such bombings are causing.

The danger that Ethiopia's all-out war poses for the security of the entire region and wider, far from its immediate negative consequences on the process for a peaceful resolution of the border dispute, cannot escape you. While these remain the facts and consequences of the Ethiopian Government's persistent recourse to force, it is indeed tragic and regrettable that the Security Council, the very body entrusted with ensuring international security, would gloss over this dangerous reality, and not condemn the Ethiopian regime for its irresponsible resort to force to solve what indeed is a border conflict. Not to do so, to allow the Ethiopian regime to continue to wage war with impunity in violation of another country's sovereignty would only encourage Ethiopia, as it has done so far, to continue on its war path with very grave consequences. The Council will then have to share responsibility for those consequences.

Ethiopia alone bears full responsibility for the start and escalation of this conflict to a full-scale war, including starting the current offensive. Eritrea urges the Security Council to take note of this fact, to resolve accordingly and act appropriately.

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11 February 1999
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IDENTICAL LETTERS DATED 11 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft continued between 16 and 31 January 1999 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

Your intervention is requested with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on its people by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 16-31 January 1999

1. In the northern region 164 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 5,000 to 14,000 metres over the following cities and towns: Irbil, Dohuk, Mosul, Amadiyah, Aqrah, Tall Afar, Ayn Zalah, Zakho, Rawanduz, Baibo and Sinjar.

2. In the southern region 840 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 16,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Amarah, Artawi, Ushbayjah, Jalibah, Salman, Busayyah, Qurnah, Shinafiyah, Rumaythah, Basrah, Maymunah, Rifa'i, Kut, Mu'aniyah, Umm Qasr, Safwan, Qal'at Salih, Lasaf, Qal'at Sukkar, Ali al-Sharqi, Hawr al-Hammar, Madinah, Ansab, Nukhayb, Afak, Suq al-Shuyukh, Chabaish and Najaf South.

3. At 0930 hours on 7 January 1999 a United States frigate prevented the tanker Front Champion from entering the Mina' al-Bakr channel. The harbour master was not allowed to bring it in until inspection was completed at 0700 hours on the following day.

4. At 1006 hours on 18 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the southern region. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

5. At 0924 hours on 23 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Qurnah area of Basrah Governorate and fired four projectiles. Several civilians were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

6. At 1430 hours on 24 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace in the Qayyarah area of Ninawa Governorate and fired a number of projectiles. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

7. At 1026 hours on 25 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Shu'aybah area of Basrah Governorate and fired two projectiles. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

8. At 1130 hours on 25 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait committed a brutal act of military aggression using bombs and missiles, including long-range missiles, against Basrah Governorate in southern Iraq. It affected a number of areas, including residential neighbourhoods in Basrah city and its outlying villages. There were large numbers of dead and wounded, including several women, children and elderly persons, a number of homes were destroyed, and there was property damage.

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(This was the subject of a letter dated 29 January 1999 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council.) United States and British aircraft also bombarded Basrah Airport and the Rumaylah oilfield.

9. At 1026 hours on 25 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Basrah area.

10. At 1046 hours on 25 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Hawr al-Hammar area.

11. At 1307 hours on 25 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace in the northern region.

12. At 1410 hours on 25 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace in the Mosul area and fired one missile. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

13. At 1330, 1345, 1353 and 1355 hours on 26 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace in Ninawa Governorate in the northern region and fired nine missiles. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

14. At 1106, 1627 and 1700 hours on 26 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the southern region.

15. At 1620 hours on 26 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Faw area.

16. At 1425, 1532, 1550, 1553 and 1700 hours on 27 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Umm Qasr area.

17. At 0920 and 0945 hours on 27 January 1999 a large number of United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Mina' al-Bakr and Umm Qasr areas.

18. At 0950 hours on 27 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Faw area.

19. At 1345, 1541 and 1545 hours on 28 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace in the northern region and fired four missiles. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

20. At 1300 hours on 29 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the southern region.

21. At 1300 and 1310 hours on 29 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace in the Faw area.

22. At 1325 hours on 30 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace in the northern region. Twelve formations approached from Turkish territory, supported by an AWACS early-warning aircraft that remained inside Turkish airspace, and carried out 22 sorties against our air-defence weapons systems in which they fired 17 missiles and other projectiles.

23. At 1630 hours on 30 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace. Fourteen formations penetrated Iraqi airspace, supported by an AWACS early-warning aircraft inside Saudi airspace and an E-2C aircraft inside Kuwaiti airspace. They carried out 16 sorties from Kuwaiti airspace and 20 sorties from Saudi airspace.

24. At 0900 and 1515 hours on 31 January 1999 United States and British aircraft from bases in Saudi Arabia and Kuwait violated Iraqi airspace. Thirteen formations approached from Kuwaiti territory, supported by an E-2C aircraft inside Kuwaiti airspace, and 15 formations approached from Saudi territory, supported by an AWACS early-warning aircraft inside Saudi airspace. They carried out 62 sorties inside Iraqi airspace and attacked our air-defence weapons systems sites in Dhi Qar and Maysan Governorates, firing seven missiles and other projectiles at them. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

25. At 1500 hours on 31 January 1999 United States and British aircraft from bases in Turkish territory violated Iraqi airspace. Eight formations approached from Turkish territory, supported by an AWACS early-warning aircraft that remained inside Turkish airspace. They carried out 18 sorties, attacked air-defence sites in the city of Mosul and fired one HARM missile. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

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11 February 1999
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LETTER DATED 10 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE SYRIAN ARAB REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the summary statement of 15 January 1999 on matters of which the Security Council is seized and on the stage reached in their consideration (S/1999/25).

On instructions from my Government, I have the honour to inform you in this regard that the Syrian Arab Republic requests the retention of the following items listed in paragraph 7 of the summary statement:

1. The Palestine question.

17. The Middle East problem, including the Palestinian question.

20. The question of the exercise by the Palestinian people of its inalienable rights.

29. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).

I take this opportunity to reaffirm the position of the Syrian Arab Republic as set forth in its letter dated 9 February 1998 addressed to the President of the Security Council (S/1998/111, annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mikhail WEHBE
Ambassador
Permanent Representative

99-03662 (E) 120299 120299

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S/1999/143
11 February 1999

ORIGINAL: ENGLISH

LETTER DATED 11 FEBRUARY 199 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached statement by the Government of the State of Eritrea on Security Council resolution 1227 (1999), issued by the Ministry of Foreign Affairs on 11 February 1999.

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-03656 (E) 110299

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Annex

Statement issued by the Ministry of Foreign Affairs of Eritrea on 11 February 1999

The Government of the State of Eritrea reiterates its appreciation of the concerns of the Security Council, as indeed this was communicated on 2 February 1999, and wishes to make the following observations concerning resolution 1227 (1999) of 10 February 1999:

1. Eritrea did not start the war and consequently cannot be held responsible for it. Eritrea reaffirms its commitment not to start war. On the other hand, it must be recognized that it has, and shall, exercise the legitimate right of self-defence in the face of aggression.

2. Eritrea has not conducted any air strikes and has not violated the moratorium on air strikes. However, it reserves the right to retaliate if attacked by air.

3. Eritrea has not committed any crimes against civilians and has not violated, and shall never violate, any human rights. It is therefore a matter of great disappointment that the Security Council has preferred not to address this glaring reality.

4. No decision has been taken by the Security Council to embargo the sales of arms to States that are a cause of regional instability and insecurity. It is therefore astonishing to note that the Council has taken such an unprecedented step in this case. It must be noted that his will only lead to regional imbalance.

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11 February 1999
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LETTER DATED 11 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and with reference to paragraph 9 of the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration (S/1999/25), I have the honour to inform you that the Republic of Iraq requests the retention of two of the items listed in paragraph 7 of the summary statement. They are as follows:

1. Item 13, entitled "Complaint by Iraq concerning incidents on its frontier with Iran". The reason for requesting retention of this item is that Iranian attacks on Iraq's borders are still continuing and Iraq keeps the Council informed of them on a periodic basis.

2. Item 23, entitled "Complaint by Iraq". This concerns the 1981 Israeli aggression against the Iraqi nuclear reactor dedicated to peaceful uses. In its resolution 487 (1981), the Council strongly condemns this attack and calls upon Israel to refrain in the future from any such acts or threats thereof and to place its nuclear facilities under International Atomic Energy Agency safeguards, among other measures. The requirements of this resolution have yet to be met, and Israel still persists in threatening to direct military strikes at Arab scientific establishments dedicated to peaceful purposes. It also still refuses to place its nuclear facilities under the IAEA full-scope safeguards regime.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

99-03650 (E) 120299 120299

UNITED
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Security Council

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S/1999/145
12 February 1999

ORIGINAL: ENGLISH

LETTER DATED 12 FEBRUARY 1999 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of my Government, I am writing to draw your attention to the statement of Albanian Prime Minister Pandelli Majko, made at a press conference in Tirana on 9 February 1999, to the effect that all Albanians, the entire Albanian factor in the Balkans, Albania, Macedonia, Kosovo and Montenegro, have a right to collective self-defence.

The statement amounts to an open call for the destabilization of the entire region and is an example of flagrant interference in the internal affairs of the Federal Republic of Yugoslavia, a sovereign country and a United Nations Member State. It also provides compelling evidence that the leaders of Albania pay no heed to the principles and goals of the Charter of the United Nations or to international law, which has a direct negative bearing on the overall situation in the region and in Europe as a whole.

In this context, it is important to note that the militant statement of the Prime Minister of Albania is along the lines of the project for a Greater Albania and draws on the 1991 decision of the Albanian Parliament recognizing the so-called independent Republic of Kosovo and its self-styled government. Albania continues to provide training facilities and other logistic support to terrorists who infiltrate the Federal Republic of Yugoslavia from its territory every day and commit acts of brutal terrorism, killing and kidnapping officials and civilians alike. The Organization for Security and Cooperation in Europe (OSCE) and other international organizations have reported on many occasions the existence of terrorist training centres in northern Albania, in particular at Bajram Curri, Kukes and Tropoja, documenting thus Albania's repeated non-compliance with the demands contained in Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998).

At a time when every effort is being made at Rambouillet, France, to find a peaceful political solution to the problems in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, the Prime Minister of Albania, by his statement, has rendered overt support to terrorism and separatism, the forces that are opposed to such a solution. The statement falls within the ambit of Albania's overall policy aimed at undermining the

meeting at Rambouillet and at provoking military intervention against the Federal Republic of Yugoslavia.

The Government of the Federal Republic of Yugoslavia expects the Security Council to condemn the statement of the Prime Minister of Albania, which is contrary to the principles and goals of the Charter of the United Nations, undermines the stability of the region and is a function of the idea of creating a Greater Albania.

I would be very grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affairs a.i.

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General Assembly
Security Council

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GENERAL ASSEMBLY
Fifty-third session
Agenda items 40, 46 and 110
THE SITUATION IN THE MIDDLE EAST
FIFTIETH ANNIVERSARY OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 11 February 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning the plight of the Lebanese detainees being held in Israeli prisons and in the detention camps established by the Israeli occupation authorities inside Lebanese territory, I have the honour to transmit to you herewith the text of a letter from the Follow-up Committee for the support of Lebanese detainees in Israeli prisons addressed to Mr. Selim Hoss, Prime Minister and Minister for Foreign Affairs of Lebanon (see annex). The letter provides information on the situation of the Lebanese being held in Israeli prisons and in the detention camps inside occupied Lebanese territory that are under the supervision of the Israeli occupation forces, with particular reference to their state of health, to the presence among them of juveniles and women as well as persons who are elderly and infirm and to the repression, torture and neglect they must endure at the hands of the Israeli occupation authorities in violation of the relevant international covenants and all humanitarian principles.

I must here recall the improper decision adopted by the Supreme Court of Israel on 4 March 1998, whereby the Israeli authorities were granted permission to hold Lebanese detainees in Israeli prisons and detention camps without trial and to keep them as hostages and as a bargaining chip. This constitutes a flagrant violation of all the relevant international covenants and conventions and, in particular, of the fourth Geneva Convention and its Additional Protocol I, which require civilians under foreign occupation to be protected from torture and arbitrary detention. Moreover, this decision, which has the goal of imparting a gloss of legality to the practices of the Israeli occupation authorities, is to be classed as State terrorism that Israel commits against Lebanese civilians through its various practices. The latter include the artillery bombardments to which they are subjected on an almost daily basis,

persistent arbitrary abductions and arrests, excruciating torture, the destruction of their homes, the confiscation of their property, their expulsion from their domiciles, the encirclement of their villages and other practices.

I am also transmitting to you a detailed schedule giving such basic information about these Lebanese civilians as the date of their arrest and their state of health, as vivid testimony to be placed before world opinion and the world Organization (see appendix).

In the light of the foregoing, we request your assistance in bringing an end to this tragedy, of whose far-reaching dimensions you learned from the mothers of the detainees at the time of your last visit to Lebanon. We are confident that you will spare no effort and leave no means untried in order to assist the detainees in whatever ways you deem appropriate and effective.

As we convey to you in advance our deep gratitude for any step you will be able to take in this matter by virtue of your position and your high personal standing, which ensures you the trust and respect of all, we ask you to accept, Sir, the expression of our sincere affection and esteem.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda items 40, 46 and 110.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

ANNEX

Letter from the national Follow-up Committee for the support of Lebanese detainees in Israeli prisons addressed to the Prime Minister and Minister for Foreign Affairs of Lebanon

The Follow-up Committee for the support of Lebanese detainees in Israeli prisons, anticipating your success in your great national task, is hopeful that you will give your attention to an important issue for the nation, namely that of the Lebanese hostages in Israeli prisons. The fact is that Israel is holding 183 Lebanese hostages, 140 of them in Khiyam detention camp and 43 in prisons inside Israel (at Ashkelon, Ayalon, Nafhah, etc.).

The age-range of the detainees is 14 to 75. They have been held hostage in Khiyam detention camp since 1985 without any legal grounds, without charge and without trial, and they are not allowed to engage lawyers for their defence.

Israel supervises this detention camp, and Israeli intelligence interrogates detainees before taking them to Khiyam or to Israeli prisons.

Fourteen prisoners have died under torture in the camp, and two, namely Salim Awwadah and Rida Yusuf Mustafa, have died at the American University of Beirut Hospital after their release.

Rheumatism, thalassaemia, memory loss, vision problems and stomach pains are widespread among the detainees owing to the absence of health care and because of malnutrition and defective lighting.

There are sick and wounded in the Khiyam camp. Sulayman Ramadan's foot was amputated in 1985 in an Israeli hospital because of delays in treatment, and he is now facing the threat of another amputation because the first procedure was faulty.

Israel is holding a number of juveniles in the camp, such as 14-year-old Ali Mustafa Tawbah, who is being held with his father, Mustafa Tawbah, and 15-year-old Muhammad Qazan. There are also elderly persons such as 60-year-old Ali Ghanawi, 64-year-old Muhammad Salim Qatibay and 75-year-old Hasan Muhammad Sa'id. There are four mothers, namely: Fatimah Abd al-Nabi, being held with her husband, Muhammad al-Sayyid; Samirah Sharaf al-Din; 70-year-old Al-Abdah Malikani, being held with her husband, Al-Kahl Hasan Sa'id; and Yvonne Suwaydi, also being held with her husband, Bulus Abu Zayd.

As for those abducted and taken to Israeli prisons, it must be said that removing them from the occupied area of Lebanon and bringing them to trial are in violation of articles 49 and 76 of the [fourth] Geneva Convention. Article 49 states that "Individual or mass forcible transfers [...] from occupied territory to the territory of the Occupying Power [...] are prohibited, regardless of their motive".

Abductions are a violation of Lebanese sovereignty, and the sentences against those abducted that are handed down by Israeli military courts are illegal and inconsistent with the international standards for fair trials.

Although 19 of the prisoners at Ayalon Prison have completed their sentences, every six months Israel extends their detention. This is despite the fact that nine years have passed since some of them, such as Bilal Dakrub and Ahmad Ammar, completed their sentences.

Trials are purely pro forma, and there is no difference between those tried, those who have served their sentences and those being held without trial. All of them are hostages.

By its decision of 13 November 1997, the Supreme Court of Israel acknowledged that the Lebanese detainees are hostages and are a bargaining chip.

That Israel has enshrined hostage-taking and torture in its laws is a flagrant violation of international law and sets a precedent that is the first of its kind in the world. It has never before happened in all of history that a court of justice has sanctioned the taking of hostages. Some detainees were not tried following their abduction, and they are languishing in prisons that the International Committee of the Red Cross is forbidden to enter and are not allowed to exchange letters with their families. Examples of this are Sheikh Abd al-Karim Ubayd and Mustafa al-Dirani.

In the desert prison at Nafhah, Samir al-Qintar is incarcerated. He is the longest serving Lebanese prisoner in the Israeli prison system, having been placed in detention for life on 22 April 1979. He is not allowed to meet with his family or his brothers despite the fact that it is 20 years since he was first arrested. Most of the detainees endure difficult physical and mental conditions since their families are prevented from visiting them and they live in complete isolation from the world.

Dozens of Lebanese are also being held whose existence is not acknowledged and whose fate remains unknown.

The charges made against detainees can be summarized as follows:

(a) Resistance to the Israeli occupation;

(b) Refusal to enlist in the militias collaborating with Israel;

(c) Refusal to pay duties and taxes;

(d) Dealing with the Lebanese Government and providing information to the Lebanese Army;

(e) Possession of cell phones;

(f) Refusing Israeli assistance and the organization of tourist visits to Israel.

The issue of the Lebanese hostages in Khiyam camp and in Israeli prisons is an international humanitarian problem, and it therefore requires that the United Nations, the world's governments and Arab and international humanitarian organizations should launch an international campaign to bring pressure to bear on Israel to close Khiyam camp and to release all the Lebanese hostages being held in Israeli prisons.

APPENDIX

List of Israeli detention camps and the number of detainees in each

Detention Camp	Number of detainees
Khiam Detention Camp	140
Asskalan Detention Camp (Asskalan IDC)	13
Aayloun Detention Camp (Ayloun IDC)	19
Al Sarafand Detention Camp (Al Sarafand IDC)	2
Nafha Detention Camp (Nafha IDC)	2
Shatta Detention Camp (Shatta IDC)	2
Nabluss Detention Camp (Nabluss IDC)	1
Unknown	4
Total	183

Date: 3/11/98

Hostages in Khiam Detention Camp

Name of detainee	city/village	birth year	detained on	situation	Personal proffesion	condition
1- Soleiman Ramadan	Baalbak	1965	17/09/85	Single	Labourer	Amputated leg
2- Ali Al Saghir	Bint Jbeil	1969	11/86	Single	Labourer	Gastric problems
3- Riad Kalakish	Dibbin	1967	02/86	Single	Labourer	Gastric problems+difficulty breathing
4- Samir Kassem	Yuhmor	1966	04/88	Single	Student	Lost an eye
5- Tayssir Sha'aban	Beit Yahoun	1958	10/86	Single	Labourer	Allergy+Ulcer
6- Mujib Turmuss	Talloussa	1972	05/08/89		Carpenter	Sick
7- Ali Hijazi	Dibbin	1961	21/08/89		Labourer	Amputated leg
8- Mustafa Arabieh	Sarafand	1964	1991		Labourer	Ulcer-severe body cramp
9- Yasser Halawi	Kafarkilla		01/01/92		Carpenter	
10- Ali Halawi	Kafarkilla		01/01/92		Engineer	
11- Nehmeh Dakdouk	Aita Sha'ib	1975	06/92		Painter	Pneumo-allergic
12- Adel Kalakish	Dobbin		27/02/93		Labourer	Gastric & Cardiac problems
13- Nimr Al Ghaddaf	Dobbin		27/08/93		Soldier	
14- Ahmad Hassan	Dobbin		08/93		Soldier	Gastric Problems
15- Issam Awada	Nakoura	1975	02/02/94		Baker	Stone in kidney+disc

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16- Hussein Awad	Houla		10/02/94	Labourer	Ulcer
17- Ziad Ghanwi	Houla		03/94	Student	
18- Samer Hijazi	Houla		18/03/94	Student	
19- Mohamad Nayef	Kafarkilla		04/94	Labourer	Ear infection
20- Izzat Yassin	Houla		08/93	Soldier	
21- Abdel Rahman Abboud	Houla	1961	10/08/94	Trader	
22- Mohamad Rizk	Houla	1972	01/01/95	Labourer	
23- Mohamad Turmuss	Tallousse		23/01/05		
24- Mahmoud Jafal	Rishaf		21/03/95		
25- Hussein Mukasher	Beit Yahoun		01/01/95		
26- Adham Ramal	Odeissy	1958	09/95	Car mechanic tech.	
27- Saleh Ramal	Odeissy	1961	09/95	Labourer	
28- Abdel Hamid Yahya	Rishaf		14/11/95	Labourer	
29- Mustafa Sadaka	Khiam	1964	1996	Labourer	Eyes aches
30- Mohamad Oseily	Bint Jbeil		01/01/96	Sells cloth	
31- Mohamad Sha'ar	Hibberieh		04/01/96	Seargeant	
32- Ali Kassem	Houla		19/01/96	Student	
33- Hussein Sadek	Khiam		05/96	Student	
34- Hasan Barakat	Rub Thalathin		07/96		
35- Bilal Kassem	Yarein		07/96		

36. Ahmad Barakat	Rub Thalathin		07/96	Labourer	
37- Ali Dibssi	Blat		01/01/96		
38- Mohamad Moussa	Blida		01/01/96		
39- Hassan Bazzi	Bint Jbeil	1967	27/08/96	Elecrical Engineer	
40- Ali Ghanwi	Houla	1934	1996	Broker	Gastric & Cardiac problems
41- Khijar She'ib	Khiam		02/09/96		
42- Mousa Ataya	Teyr Hirfa		11/96	Carpenter	
43- Karam Mustafa	Houla		18/03/97	Electric tech.	Disc
44- Moussa Ghoson	Khiam		24/07/97	Salesman	
45- Hamid Darwish	Aytaroun	1978	01/07/97		
46- Kamal Khoreizat	Aytaroun		01/07/97		
47- Hussein Hijazi	Aytaroun		01/07/97		
48- Wajih Hijazi	Aytaroun	1969	01/07/97	Labourer	
49- Fouad Mourad	Aytaroun	1964	01/07/97		
50- Nabil Abdalla	Aytaroun		01/07/97		
51- Hassib Fakih	Taybeh		01/07/97		
52- Kastro Baydoun	Aytaroun	1962	01/07/97	Labourer	
53- Mohamad Kawsan	Aytaroun		01/07/97	Bakery	
54- Ghassan Issa	Maroun Rass		08/07/97		
55- Haydar Issa	Maroun Rass		10/07/97		

56- Hassan Droubi	Khiam		01/07/97			
57- Ahmad Sadek	Khiam		01/07/97			
58- Ahmad Sheikh Ali	Khiam		01/07/97			
59- Adib Issa	Blida		01/02/97			
60- Khalil Karneeb	Maroun Rass	1970	20/07/97	Single	Farmer	Brain Concussion
61- Sleiman Karneeb	Maroun Rass	1974	24/07/97	Single	Farmer	Thalassaemic
62- Ibrahim Souid	Nakoura		01/08/97			
63- Mohamad Hariss	Aita She'ib		10/08/97			
64- Mohamad Nasser	Aita She'ib		14/08/97			
65- Hussein Akeel	Khiam		02/09/97			Lost his sight
66- Hassan Horeibi	Zawtar		02/09/97			
67- Hassan Issa	Ramieh	1976	02/09/97			
68- Abbass Atiyeh	Arnoun	1972	02/10/97			
69- Mustafa Tawbeh	Arnoun	1961	02/10/97			
70- Kassem Assaf	Arnoun	1977	02/10/97			
71- Mohamad Katbey		1940	02/10/97			
72- Ali Tawbeh	Arnoun	1983	20/10/97			
73- Mohamad Hashem	Shiba'a	1947	22/11/97			
74- Oussama Nour ElDin	Hibberieh		26/11/97			
75- Atef Hashem	Shiba'a		27/11/97			

76- Kamel Ja'afar	Yaroun	01/02/97
77- Ahmad Hammoud	Kafarkilla	01/02/97
78- Hussein Hammoud	Beit Leif	01/02/97
79- Ali Mroueh	Beit Yahoun	05/09/97
80- Nadim Saab	Shiba'a	27/11/97
81- Hussein Sheiyth	Kafarkilla	01/12/97
82- Ibrahim Sheiyth	Kafarkilla	01/12/97
83- Nabil Jouna'a	Kafarkilla	10/12/97
84- Abbass Sukeini	Blat	18/12/97
85- Marwan Kana'an	Shiba'a	24/12/97
86- Akram Ba'albaki	Odeissi	25/12/97
87- Yahya Abboud	Odeissi	25/12/97
88- Bassam Ghaddar	Shiba'a	29/12/97
89- Ghandi Ayoub	Houla	10/97
90- Kheir Abdalla	Khiam	02/09/97
91- Khalil Diab	Hasbaya	03/01/98
92- Habib Ibrahim	Blida	22/01/98
93- Ibrahim Abu Sari	Al Fardyss	23/01/98
94- Maher Hamdan	Shiba'a	03/02/98
95- Tale'e Abu Rashed	Al Fardyss	03/02/98

96- Ayman Lakiss	Al Fardyss		03/02/98		
97- Khaled Abou Sari	Al Fardyss		06/02/98		
98- Mohamad Hamdan	Shiba'a		16/02/98		
99- Rabah Abou Faour	Kh. Hasbia	1982	02/03/98		Student
100-Mohamad Kazan	Tibie	1983	16/03/98		Student
101-Mohamd Abdalla	Khiam		01/07/98		
102-Bilal Naba'a	Shiba'a		06/98		
103-Samira Sharaf ElDin	Tibie	1973	02/04/98	Engaged	
104-Fatmeh Abdel Nabi	Aita She'ib	1964	08/03/98	Married and the mother of 3 children	
105-Mohamad Al Sayed	Aita She'ib	1963	04/02/98	Married	
106-Abbass Koussan	Tibei		23/04/98		
107-Mohsin Koussan	Tibei		23/04/98		
108-Ali Kashmar	Tibei		23/04/98		
109-Mohamad Abboud	Odeissi		01/05/98		
110-Yousseff Hamoushi	Odeissi		27/05/98		
111-Nayef Gaith	Bayada	1971	27/05/98	Single	Customs employee
112-Ali Alyan	Bayada	1973	27/05/98	Married	Fisherman
113-Ali Ramal	Odeissi		14/06/98		
114-Ahmad Srour	Aita She'ib		02/03/98		
115-Zeid Sriwi	Hasbia		02/01/98		

116-Ali Marmar	Tibei		25/06/98	Married	Labourer
117-Tony Assaf			20/07/98		
118-Elie Nasralla	Rmeish		20/07/98		
119-Hussein Ramal	Odeissi		01/05/98		
120-Hussein Faraj	Bint Jbeil		01/08/98		
121-Halim Haddad	Darbet Kleiaa		01/01/98		
122-Hassan Nasr	Al Fardyss		20/02/98		
123-Malek Abboud	Odeissi		01/05/98		
124-Kassem Al Asmar	Odeissi		01/05/98		
125-Adnan Yehya	Tibei		05/02/98		
126-Bilal Abou Ta'am	Tibei		01/02/98		
127-Adib Issa	Blida		01/02/97		
128-Ibrahim Sleem			10/02/98		
129-Jamal Rahil			10/02/98		
130-Kamel Al Abdalla	Khiam		01/02/98		
131-Hassan Sa'id	Al Kassir	1928	05/09/98	Married	
132-Abdeh Malkani	Al Kassir	1933	05/09/98	Married	
133-Ghassan Said	Slima	1965	16/08/98		
134-Ali Ghazal	Arnoun	1955	07/09/98	Married	
135-Marwan Saab	Shiba'a		12/10/98		Driver

136-Raed Zein El Din	Ain Kinya		12/10/98	Barber
137-Samir Sinan	Ain Kinya		12/10/98	Soldier
138-YousseffHdife	Ain Kinya	1974	15/10/98	Phone attendant
139-Bassam Na'im	Klayha		23/10/98	Driver

Hostages in

Administrative Detention in Ayloun-Ramleh Detention Camps who have served their sentences

Name of detainee	city/village	birth year	detained on	sentenced to	Notes
1- Mohamad Yassin	Majdal Silim	1963	21/02/86	9 years	Extended administrative detention
2- Kamal Rizk	Mayss El Jabal	1971	31/08/86	3 years	Extended administrative detention
3- Ali Ammar	Mayss Al Jabal	1966	01/09/86	4 years	Extended administrative detention
4- Ahmad Ammar	Mayss Al Jabal	1967	01/09/86	3 years	Extended administrative detention
5- Hassan Hijazi	Mayss Al Jabal	1970	01/09/86	3 years	Extended administrative detention
6- Bilal Dakroub	Tibnin	1964	17/02/86	2 and a half years	Extended administrative detention
7- Abdel Hassan Srour	Aita Sha'ib	1969	15/04/87	3 years	Extended administrative detention
8- Abbass Srour	Aita Sha'ib	1969	15/04/87	3 years	Extended administrative detention
9- Ahmad Srour	Aita Sha'ib	1957	15/04/87	3 years	Extended administrative detention
10- Youssef Srour	Aita Sha'ib	1969	15/04/87	3 years	Extended administrative detention
11- Hussein Dakdouk	Aita Sha'ib	1969	15/04/87	1 and a half years	Extended administrative detention
12- Ahmad Obeid	Jibsheet	1968	28/07/89	No Trial	
13- Hashem Fahess	Jibsheet	1967	28/07/89	No Trial	

Hostages in Asskalan Detention Camp

Name of detainee	city/village	birth year	detained on	Social situation	sentenced to	Health condition
1- Hassan Ankouni	Mashghara	1960	1987	Married	18 years	Osteoporesis
2- Kassem Kamass	Kabrikha	1968	16/06/87		13 years	Osteoporesis
3- Ismail El Zein	Kabrikha		16/06/87		13 years	Need surgery
4- Anwar Yassin	Dallafa	1968	16/06/87	Single	30 years	Gonad infection
5- Mohamad Birzawi	Ba'albak	1961	05/12/87	Single	18 years	Amputated finger
6- Mustafa Hammoud	Markaba	1970	05/12/88	Single	20 years	Wounded
7- Youssef Wazni	Tibnin	1962	15/12/88	Single	25 years	Hurt back
8- Jawad Kassfi	Sultanieh	1962	15/12/88	Married	Life sentence	Ear infection
9- Mohamad Bdeir	Nmeirieh	1972	13/06/91	Single	10 years	Need therapy
10- Ali Balhass	Sidikein	1968	05/10/92	Single	Life sentence	Amputated leg
11- Imad Mahfouz	Tripoli		12/10/92			
12- Ibrahim Abu Zeid	Mleikh	1953	22/11/97	Married	No Trial	
13- Paul Abu Zeid	Mleikh	1958	22/11/97	Married	No Trial	

The 6 Lebanese citizens delivered by the "Lebanese Forces Militia" to Israel on 1990 and have been held as hostages in the Ayloun detention camp since then

Name of detainee	city/village	birth year	detained on	Social situation	sentence
1- Ahmad Taleb	Odeissi	1966	May 1990	Single	No Trial
2- Ahmad Jalloul	Birj Barajneh	1965	May 1990	Single	No Trial
3- Hussein Tleiss	Brital	1965	May 1990	Single	No Trial
4- Hussein Rmeiti	Al Majadel	1963	May 1990	Single	No Trial
5- Ghassan Al Dirani	Kasr Niba	1965	May 1990	Single	No Trial
6- Hussein Ahmad	Ghobeiri	1967	May 1990	Single	No Trial

Hostages in Srafand Detention Camp

Name of detainee	city/village	birth year	detained on	Social situation	sentence
1- Sheikh Abdel Karim Obeid	Jibsheet		28/07/89	Married	No Trial
2- Ahmad Jalloul	Kaer Niba	1951	20/05/94	Married	No Trial

Hostages in Nafha Detention Camp

Name of detainee	city/village	birth year	detained on	Social situation	sentence	condition
1- Samir Al Kintar	Obieh	1962	22/07/79	Single	4 life sentences	Suffers from asthma and has a bullet in his lungs
2- Mahmoud Hammoud	Yarine		01/07/93	Single	7 years	

Hostages in Unknown Detention Camp

Name of detainee	city/village	birth year	detained on	Social situation	sentence
1- Khalil Ja'ara	Nabatieh	1972	01/07/92	Single	4 years
2- Abdel Majid Zaytouni	Deir Kifa	1970	05/03/93	Single	
3- Ibrahim Kassem Sha'abi	Teir Hirfa				
4- Kamel Ahmad	Tripoli		1990		

Hostages in Shatta Detention Camp

Name of detainee	city/village	birth year	detained on	Social situation	sentence
1- Kassem Faress	Nablle	1969	15/07/93	Single	7 years
2- Michael Nohra	Klein'a		03/07/97	Married	No Trial

Hostages in Nabluss Detention Camp

Name of detainee	city/village	birth year	detained on	sentence
1- Evon Souidi	Mleikh	1959	22/11/97	No Trial

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ORIGINAL: ENGLISH

LETTER DATED 12 FEBRUARY 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 864 (1993) CONCERNING THE SITUATION IN ANGOLA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, as requested by the Security Council in paragraph 8 of its resolution 1221 (1999) of 12 January 1999. The report was adopted by the Committee, under the no-objection procedure, on 12 February 1999.

(Signed) Robert R. FOWLER
Chairman
Security Council Committee established
pursuant to resolution 864 (1993)
concerning the situation in Angola

99-03807 (E) 120299

/...

Annex

Report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 8 of Security Council resolution 1221 (1999), adopted on 12 January 1999. Paragraph 8 of the resolution reads as follows:

> "The Security Council,
>
> "...
>
> "8. Expresses its readiness to pursue reports of violations of the measures referred to in paragraph 7 above, to take steps to reinforce the implementation of these measures and to consider the imposition of additional measures, including in the area of telecommunications, on the basis of a report to be prepared by the Committee established pursuant to resolution 864 (1993) by 15 February 1999 drawing on the expertise of relevant bodies and organizations, including the International Telecommunication Union."

II. BACKGROUND

2. Pursuant to the adoption of Security Council resolutions 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, imposing additional measures against the União Nacional para a Independência Total de Angola (UNITA), all States were requested to provide the Committee with information on the action taken by them to implement these measures. To date, replies have been received from 57 States in regard to the implementation of resolution 1127 (1997) and 33 States on the implementation of resolution 1173 (1998).

3. In accordance with a decision taken at the Committee's 15th meeting, a reminder was sent to all States on 27 January 1999, stressing the importance for Member States, in particular States neighbouring Angola, to take the necessary legislative action to implement the measures imposed on UNITA and requesting those States that had not yet replied to do so as soon as possible.

4. The Chairman was authorized to contact the Permanent Representatives of neighbouring States to discuss with them possible ways to enhance the implementation of the mandatory measures imposed on UNITA. The Committee endorsed the proposal by the Chairman to undertake, along with the Vice-Chairmen, missions to Europe and Africa to assess the implementation of these measures.

III. RECOMMENDATIONS CONTAINED IN THE REPORT OF THE SECRETARY-GENERAL ON ANGOLA

5. In accordance with Security Council resolutions 1202 (1998) of 15 October 1998 and 1213 (1998) of 3 December 1998, the Secretary-General submitted his report to the Council on Angola (S/1999/49) containing, inter alia, recommendations on improving the implementation of the measures imposed on UNITA contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998).

6. At its 15th meeting, held on 20 January 1999, the Committee considered the report and supported the recommendations made by the Secretary-General as follows:

(a) Member States, in particular States neighbouring Angola, could provide, on a regular basis, information on the implementation of the measures adopted by the Security Council. The Council could also invite their views on possible ways to strengthen the effectiveness of those measures;

(b) While the responsibility for the implementation of these measures rests with Member States, the Security Council and the Committee established pursuant to resolution 864 (1993) could review the implementation process periodically with a view to identifying and possibly eliminating gaps and monitoring the effectiveness of the adopted measures; such a review may be initiated on the basis of a report by the Chairman of the Committee following a mission that he may wish to undertake to Angola and the countries of the region;

(c) It would be essential that the Committee be provided by Member States, on a regular basis, with the information necessary to enable it to consider and investigate possible violations of the mandatory measures. Cases of confirmed violations could be made public by the Committee or reported to the Security Council;

(d) The Government of Angola and neighbouring States could monitor at least all major border crossings and airports in order to prevent illegal movement across the border. It is noted, however, that it may be extremely difficult to monitor effectively the land borders of Angola, given their length, the difficult terrain and the lack of the necessary infrastructure. In addition, the Government of Angola and the States of the region could consider additional steps to monitor the ports and airstrips in their territories in order to prevent ships and aircraft engaged in violations of the measures from using them;

(e) In cases where public announcements are made that confirm material support for UNITA, the Committee could authorize its Chairman to address letters to the Member States concerned. Similarly, in the event of confirmed violations of the travel ban, the Member States involved could be reminded of their obligations under the relevant Security Council resolutions;

(f) The Security Council could authorize the Secretariat to commission an expert study focusing on possible ways of tracing violations of the measures

regarding arms trafficking, oil supply and the diamond trade, as well as the movement of UNITA funds.

IV. PROPOSALS BY THE COMMITTEE FOR IMPROVING IMPLEMENTATION OF MEASURES IMPOSED ON UNITA

7. In addition to the recommendations made by the Secretary-General, and having examined again the measures imposed against UNITA in resolutions 864 (1993), 1127 (1997) and 1173 (1998), the Committee proposes the following:

(a) To urge all States to take additional measures to:

(i) Consider enacting appropriate legislation or other legal measures making violations of the sanctions a criminal offence;

(ii) Prohibit all logistical assistance consistent with the provisions of Security Council resolution 864 (1993) and military services to UNITA;

(iii) Obtain, from private companies and individuals, information on transfer of military equipment to UNITA as well as activities involving illicit diamond trade with UNITA;

(iv) Enlist the assistance of banks and sources of financial information and expertise to identify and track the financial flows of UNITA and those of its senior officials and adult members of their immediate families;

(b) To remind Member States that they are requested to provide information on steps they have taken to implement the measures contained in Security Council resolutions 864 (1993), 1127 (1997) and 1173 (1998), and request Member States to provide specific details in that regard and to continue to update that information;

(c) To request Member States, particularly those in Africa and those neighbouring Angola, to provide information on illegal arms flows to Angola, the illicit trade in diamonds, the supply of petrol and petroleum products to UNITA and their capacity for monitoring and interdicting such flows, as well as their views as to how the embargo could be tightened. The Committee could, as appropriate, urge potential donors to consider assisting States, in particular those neighbouring Angola, in their efforts to effectively improve their implementation of sanctions against UNITA;

(d) To renew its request to the Government of Angola to provide additional information on senior officials of UNITA, including UNITA representatives abroad, and adult members of their immediate families designated by the Committee under paragraph 11 (a) of Security Council resolution 1127 (1997) and other known senior officials of UNITA, including UNITA representatives abroad, and adult members of their immediate families, namely, full names, dates of birth, passport numbers, all known addresses and any known aliases;

(e) To renew its request to the Government of Angola to provide the Committee with a list of all aircraft registered in Angola, in accordance with paragraph 4 (d) (iii) of Security Council resolution 1127 (1997), to which prohibitions do not apply;

(f) To discuss, in consultation with the Government of Angola and other interested parties in the diamond industry, ways to improve the enforcement of sanctions against the diamond trade with UNITA. In this connection, the Government of Angola should be requested to provide samples of all stamps and signatures that can appear on a certificate of origin and a definitive list of names of those authorized to sign;

(g) To request Governments of States with companies that are major traders in the diamond industry and have expert monitoring facilities to notify the Committee and relevant enforcement agencies of any trader or company that offers them illegal Angolan diamonds, as well as diamonds originating from States neighbouring Angola, to ensure that all documentation is subject to official scrutiny;

(h) To commission expert studies pursuant to the Secretary-General's recommendation, to trace violations in arms trafficking, oil supplies and the diamond trade, as well as the movement of UNITA funds.

8. In regard to the possible imposition of measures in the area of telecommunications, as referred to in paragraph 8 of Security Council resolution 1221 (1999), the Committee will report to the Council as soon as it has the opportunity to consider responses to the Committee Chairman's letters of 26 January 1999 to the International Telecommunication Union and the International Telecommunications Satellite Organization. The Committee has already received information from some Member States and anticipates additional responses from other Member States and expert sources.

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S/1999/148
12 February 1999

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LETTER DATED 9 FEBRUARY 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

Major-General, Sergio Espinosa Davies (Chile), who had been the Chief Military Observer of UNMOGIP from 27 March 1998, was recalled by his Government and left the mission on 15 December 1998. Following consultations with the parties concerned, it is my intention to appoint Major-General Jozsef Bali of Hungary as the next Chief Military Observer of UNMOGIP.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-03819 (E) 120299

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S/1999/149
12 February 1999

ORIGINAL: ENGLISH

LETTER DATED 12 FEBRUARY 1999 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 9 February 1999 (S/1999/148), concerning your intention to appoint Major-General Jozsef Bali of Hungary as the Chief Military Observer of the United Nations Military Observer Group in India and Pakistan (UNMOGIP), has been brought to the attention of the members of the Security Council. They take note of the intention contained therein.

(Signed) Robert R. FOWLER
President of the Security Council

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 155
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 12 February 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to refer to the letter dated 11 January 1999 from the Permanent Representative of Lebanon to the Secretary-General.

In his letter, the Permanent Representative of Lebanon once again makes a series of misleading statements calculated to deceive Member States as to the existing state of affairs. These false charges by Lebanon completely ignore Lebanon's legal responsibility for the situation.

The fundamental cause of the situation is the continuing activities of terrorist organizations, like Hizbullah, which commit acts of aggression against Israel with the tolerance, and at times even the encouragement, of the Lebanese Government. Lebanon has a clear duty in regard to international law and under the Charter of the United Nations not to allow its territory to be a base for attacks on Israel, to disarm these groups and to cease all aid and encouragement to them.

As a result of Lebanon's failure to fulfil these responsibilities, Israel is compelled to take defensive measures against these terrorist activities, which are not only supported by Lebanon but directly aided, financially and otherwise, by the Syrian Arab Republic and the Islamic Republic of Iran.

As long as Lebanon illegally supports unprovoked and relentless terrorist attacks against Israel from its territory, it does not come to the United Nations with clean hands. Lebanon should prevent the terror emanating from its territory, and withdraw its refusal to return to the negotiating table with Israel.

Israel has repeatedly stated its willingness to implement Security Council resolution 425 (1978) in its entirety. In that resolution, the Council did not call only for the withdrawal of Israeli forces, but also for the restoration of international peace and security and the return of the Lebanese Government's effective authority in the area. Lebanon's continued readiness to allow terrorist operations from its soil is totally incompatible with these last two provisions of the resolution. Israel reiterates again its willingness to implement Council resolution 425 (1978) and calls upon the Government of Lebanon to cooperate with Israel in order to restore peace and security along their common border.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 155, and of the Security Council.

(Signed) Ambassador Dore GOLD
Permanent Representative